

In the Matter Of:

*KELLI DENISE GOODE vs
CITY OF SOUTHAVEN
2:16-cv-02029-SHM-cgc*



*JASON SCALLORN
November 30, 2016*

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1 IN THE UNITED STATES DISTRICT CIRCUIT
2 FOR THE WESTERN DISTRICT OF TENNESSEE
3 WESTERN DIVISION

4 KELLI DENISE GOODE,)
5 Invidually, and also as)
6 the Personal)
7 Representative of TROY)
8 CHARLTON GOODE, Deceased,)
9 and as Mother, Natural)
10 Guardian, and Next Friend)
11 of R.G., a Minor, and also))
12 on behalf of all similarly))
13 situated persons,)

14 Plaintiffs,)

15 VS.) NO. 2:16-cv-02029-SHM-cgc
16)

17 THE CITY OF SOUTHAVEN,)
18 et al.,)
19)

20 Defendants.)

21 VIDEOTAPED DEPOSITION

22 OF

23 JASON SCALLORN

24 NOVEMBER 30, 2016

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1 The videotaped deposition of JASON
2 SCALLORN is taken on this, the 30th day of November,
3 2016, on behalf of the Defendants, pursuant to
4 notice and consent of counsel, beginning at
5 approximately 9:30 a.m., in the offices of Ballin,
6 Ballin & Fishman, 200 Jeffeson Avenue, Suite 250,
7 Memphis, Tennessee.

8 This deposition is taken pursuant to the
9 terms and provisions of the Federal Rules of Civil
10 Procedure.

11 All forms and formalities are waived.
12 Objections are [reserved|not reserved], except as to
13 form of the question, to be disposed of at or before
14 the hearing.

15 The signature of the witness is waived.
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ALSO PRESENT: JASON ELY, VIDEOGRAPHER

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1 VIDEOGRAPHER: Today is November 30th,
2 2016 and the time is approximately 9:34. The case
3 number is 2:16-CV-02029-SHM-CGC, filed in the United
4 States District Court for the Western Division of
5 Tennessee. It's entitled Kelli Denise Goode versus
6 The City of Southaven, et al.

7 Will counsel please identify themselves
8 for the record.

9 MR. HUSKISON: I'm Berk Huskison and I
10 represent Southaven, City of Southaven and the
11 individual Southaven defendants, one of which is
12 Jason Scallorn, being deposed today.

13 MR. McCORMACK: Kevin McCormack for the
14 plaintiffs.

15 MR. GASS: Ric Gass for Dr. Oliver.

16 MR. PHILLIPS: Marty Phillips for
17 Dr. Oliver.

18 MR. JORDAN: Trey Jordan for Southeastern
19 Emergency Physicians.

20 MR. UPCHURCH: David Upchurch on behalf of
21 Baptist Memorial Hospital-DeSoto, Inc.

22 MR. McINTOSH: John Mark McIntosh on
23 behalf of Baptist Memorial Hospital-DeSoto, Inc.

24 VIDEOGRAPHER: Will the court reporter
25 please swear in the witness.

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1 JASON SCALLORN,
2 having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. McCORMACK:

6 Q. You are Jason Scallorn?

7 A. Yes, sir.

8 Q. Have you ever given a deposition before?

9 A. Yes, sir.

10 Q. About how long ago was that?

11 A. Couple years ago.

12 Q. Just so that we're all on the same page,
13 I'm going to go over some ground rules, if that's
14 all right with you. First of all, we've got a court
15 reporter here who's trying to take down every word
16 we say. In order to keep the record clear, what I'm
17 going to ask you to do is let me finish a question
18 before you answer; is that fair?

19 A. Yes, sir.

20 Q. And likewise, if you're answering a
21 question, I'll try to let you finish before I start
22 on my next question; is that fair to you?

23 A. Yes, sir.

24 Q. And the reason we're doing that is so that
25 we don't have the record being, interjections one

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1 after the other, after the other. Another thing I'm
2 going to ask you to do, instead of saying uh-huh,
3 uh-uh, if you could answer yes or no, so that the
4 court reporter can write down yes or no; is that
5 fair?

6 A. Yes, sir.

7 Q. I'm going to ask a lot of questions of you
8 today. Some of my questions might not come out very
9 well because I'm sitting here and talking to you,
10 and some things that make sense to me might not make
11 sense to you. So I'm going to ask you, if you don't
12 understand a question of mine, will you ask me to
13 rephrase it?

14 A. Yes, sir.

15 Q. If you do answer, I'm going to assume that
16 you understood the question since you could have
17 asked me to rephrase it; is that fair?

18 A. Yes, sir.

19 Q. This is not a marathon. This is not
20 something where you have to worry about sitting in
21 that chair the whole time. If you need a break,
22 we're fine to take a break. All that I'm going to
23 ask is that you finish the question that's pending
24 at that point and then we're fine to take a break
25 whenever you need; is that fair?

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1 A. Okay.

2 Q. All right. Could you state your name and
3 spell your last for the record?

4 A. Jason Murray Scallorn, S-C-A-L-L-O-R-N.

5 Q. Where do you currently reside, sir?

6 A. 5646 Pine Tree Loop East in Southaven,
7 Mississippi.

8 Q. And you are currently an employee of the
9 City of Southaven, correct?

10 A. Yes, sir.

11 Q. Working for the Southaven Police
12 Department, right?

13 A. Yes, sir.

14 Q. I want to ask you some questions about the
15 ethics of being a police officer. I'm going to ask
16 you whether you agree or disagree with these.

17 Do you agree that as a police officer you
18 should keep your private life unsullied as an
19 example for all?

20 A. Yes, sir.

21 Q. Do you agree as a police officer that you
22 are supposed to be honest in thought and deed, both
23 in your personal and official life?

24 A. Yes, sir.

25 Q. Do you agree that as a police officer you

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1 are supposed to be exemplary in obeying the laws of
2 the land and regulations of your department?

3 A. Yes, sir.

4 Q. Do you agree that you are supposed to
5 enforce the law courteously and appropriately
6 without fear or favor, malice or ill will; never
7 employ unnecessary force or violence?

8 A. Yes, sir.

9 Q. Do you agree that the public demands that
10 the integrity of its law enforcement officers be
11 above reproach?

12 A. Yes, sir.

13 Q. Do you agree that dishonesty of a single
14 officer may impair public confidence and cast
15 suspicion and disrespect upon the entire department?

16 A. Yes, sir.

17 Q. Do you agree that you are expected to
18 scrupulously avoid any conduct which might
19 compromise your integrity or the integrity of your
20 department or fellow officers?

21 A. Yes, sir.

22 Q. Do you agree that you are expected to act
23 courteously towards members of the public and give
24 fair and courteous treatment to everyone?

25 A. Yes, sir.

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1 Q. Do you agree that discourtesy or
2 disrespect shown towards any citizen is
3 indefensible?

4 A. Yes, sir.

5 Q. Do you agree that excessive or unwarranted
6 force or brutality should not be tolerated under any
7 circumstances?

8 A. Yes, sir.

9 Q. With regards to your professional life in
10 the past, Mr. Scallorn, you have lied about
11 misconduct to avoid getting in trouble, haven't you?

12 A. Yes, sir.

13 Q. I want to talk a little bit about what
14 Southaven knew about your history of lying to avoid
15 misconduct when they hired you.

16 Now, before you became an employee of the
17 Southaven Police Department, you went through a
18 polygraph examination, right?

19 A. Yes, sir.

20 Q. And that's commonly known as a lie
21 detector?

22 A. Yes, sir.

23 Q. When you went through that lie detector
24 test, that was one of the conditions of your
25 employment, wasn't it?

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1 A. Yes, sir.

2 Q. And that was a condition of your
3 employment because there were some irregularities in
4 your background, right?

5 A. Everybody has to do a polygraph.

6 Q. So that's standard for every single
7 officer?

8 A. Yes, sir.

9 Q. I'm going to pass you a document.

10 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
11 WAS PASSED TO THE WITNESS.)

12 MR. McCORMACK: Handing copies out to the
13 other attorneys here.

14 MR. GASS: Have we agreed to do sequential
15 numbering of all exhibits starting from Kelli's
16 depo?

17 MR. McCORMACK: I don't think we have, and
18 I'm not sure what number we ended on, so that would
19 be hard for us to do at this point.

20 Go ahead and mark this as Exhibit 1. If
21 you'll hand it to the court reporter there,
22 Mr. Scallorn.

23 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
24 WAS MARKED AS EXHIBIT NO. 1 TO THE TESTIMONY OF THE
25 WITNESS, AND IS ATTACHED HERETO.)

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1 MR. GASS: Does anybody have any objection
2 to eventually doing sequential renumbering?

3 MR. McCORMACK: I would have no problem
4 with that.

5 MR. GASS: Okay. Great.

6 BY MR. McCORMACK:

7 Q. Mr. Scallorn, this is the polygraph report
8 for the polygraph test that you took, right?

9 A. Yes, sir.

10 MR. HUSKISON: Let me make just a point
11 for the record. The questions in the report that he
12 is asking questions to Mr. Scallorn about is part of
13 what we've all agreed is confidential in this case.
14 I just want to make that point for the record.

15 BY MR. McCORMACK:

16 Q. In this polygraph examination, this lie
17 detector test, you were asked how many times you've
18 been reprimanded by your employer for misconduct,
19 right?

20 A. Yes, sir.

21 Q. And you told the Southaven Police
22 Department that you'd been reprimanded for visiting
23 your girlfriend's house while on duty?

24 A. Yes, sir.

25 Q. You were also asked how many times you

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1 should have been reprimanded but weren't, right?

2 A. Yes, sir.

3 Q. And you advised that there were quite a
4 few of those times?

5 A. Yes, sir.

6 Q. A lot of the time for sleeping on duty?

7 A. Once.

8 Q. You've had a few times for sleeping on
9 duty?

10 A. I recall one time.

11 Q. When you gave the statement to the
12 Southaven Police Department, you said it was a few
13 times?

14 A. Yes, sir.

15 Q. You also advised them that you should have
16 been disciplined for being outside of the city in a
17 patrol car or over at your girlfriend's watching
18 television?

19 A. Yes, sir.

20 Q. And that's when you would have been on
21 duty?

22 A. Yes, sir.

23 Q. You were asked if you had lied to get out
24 of trouble for that, right?

25 A. Yes, sir.

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1 Q. And you told them that you had told your
2 captain you weren't at your girlfriend's house when
3 you were?

4 A. Right.

5 Q. And that's when you were on duty?

6 A. Yes, sir.

7 Q. You would go over about every other Sunday
8 and watch football, as opposed to doing your job
9 when you were on duty, right?

10 A. Yes, sir.

11 Q. You were also asked how many times you've
12 committed an act while on duty that might have
13 resulted in a charge of conduct unbecoming an
14 officer, right?

15 A. Yes, sir.

16 Q. You advised that you had had oral sex on
17 two occasions with two female dispatchers?

18 A. It was one. So yes.

19 Q. With one female dispatcher on two
20 occasions?

21 A. Yes, sir.

22 Q. While in your patrol car?

23 A. Yes, sir.

24 Q. While on duty?

25 A. Not in the patrol car, at her apartment.

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1 Q. While on duty?

2 A. Yes, sir.

3 Q. You were also asked about your drug usage,
4 right?

5 A. Yes, sir.

6 Q. And you advised them that you had smoked
7 marijuana not more than 60 times, right?

8 A. Yes, sir.

9 Q. You also advised them that you had
10 committed the crime of driving while intoxicated,
11 right?

12 A. Yes, sir.

13 Q. And you had done that three or four times?

14 A. Yes, sir.

15 Q. Now, after you finished this lie detector
16 test, Southaven Police Department still hired you,
17 right?

18 A. Yes, sir.

19 Q. Did they require you to go through any
20 disciplinary action upon being hired?

21 A. No, sir.

22 Q. Did they put you on probationary period?

23 A. Yes, sir.

24 Q. Was that probationary period for a
25 disciplinary reason for these answers in this

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1 polygraph report?

2 A. No, sir.

3 Q. Did they require you to go through any
4 extra training based on the things that we just
5 talked about in this polygraph report?

6 A. No, sir.

7 Q. All right.

8 MR. HUSKISON: I note for the record,
9 also, that this report, the polygraph, is dated, I
10 believe it's August 19, 2010. Exhibit 1.

11 BY MR. McCORMACK:

12 Q. All right. Now, you're currently a K-9
13 officer with the Southaven Police Department, right?

14 A. I was until a month ago. I'm now a patrol
15 shift supervisor.

16 Q. So you've gotten a promotion since then?

17 A. Yes, sir.

18 Q. All right. When did you become a K-9
19 officer?

20 A. December of 2014.

21 Q. Did you have to have extra training to
22 become a K-9 officer?

23 A. Yes, sir.

24 Q. Did you have to learn the policies and
25 procedures for a K-9 officer before you obtained

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1 that position?

2 A. Yes, sir.

3 Q. Did that come with a pay raise, by the
4 way?

5 A. No, sir. I -- excuse me, we get a, what's
6 called a stipend because we house the dog. It's \$20
7 a paycheck, but it's not a promotion raise, per se.

8 Q. All right. Based on your familiarity with
9 the K-9 policies and procedures, under what
10 circumstances are you allowed to order a police dog
11 to attack a suspect?

12 A. Noncompliance, trying to flee from a
13 crime.

14 Q. Any crime?

15 A. Yes, sir.

16 Q. And any noncompliance?

17 A. Within reason.

18 Q. Well, what does that mean, within reason?

19 A. Verbal noncompliance. We can use the dog
20 as we could any -- anything else in the use of force
21 to gain compliance.

22 Q. So you believe that it's appropriate to
23 use that any time that you could have used physical
24 force on a suspect?

25 A. So says the policy.

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1 Q. I want talk to you a little bit about the
2 dog. What's the name of your K-9 partner?

3 A. Wessel.

4 Q. Wessel. I think we had it down as Weasel.

5 A. Well, we -- we call him Weasel. His name
6 is Wessel, we call him Weasel.

7 Q. If I accidentally called him Weasel, I
8 don't mean any offense by that.

9 A. No, sir, that's what I call him.

10 Q. So Wessel has had to go through a lot of
11 training to become a K-9 officer, right?

12 A. Yes, sir.

13 Q. He actually had to go through a lot of
14 obedience training?

15 A. Yes, sir.

16 Q. I want you tell us a little bit about the
17 obedience training. What sorts of scenarios do you
18 run a police dog through to get them ready to be
19 obedient to the officer handling him?

20 A. The obedience, it starts off with your
21 basic, making the dog follow you around. When I say
22 on lead, that means with a leash. Have the dog
23 follow you on lead, not trying to pull away, not
24 trying to fight. Take the leash off, try to get the
25 same result with you. We'll start introducing

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1 certain things into the obedience. We'll drop toys,
2 we'll drop bite sleeves. And the thing is to make
3 him be focused on me, and be obedient to me and not
4 what's going on around him.

5 Q. Do you use any live distractions, people,
6 trying to distract him?

7 A. Not with Weasel. We -- we've tried in the
8 past, but sometimes he does well with it, sometimes
9 he doesn't.

10 Q. Now, you've actually have -- used live
11 decoys on him a number of times, haven't you?

12 A. Yes, sir.

13 Q. Have there ever been any times that you
14 reported that he was failing in his obedience
15 training?

16 A. No, sir.

17 Q. Have there ever been any times that you
18 were of the opinion that you couldn't keep him
19 obedient to you in a work situation?

20 A. No, sir.

21 Q. As a general rule, part of the reason you
22 go through obedience training is so that he doesn't
23 bite random people, right?

24 A. Yes, sir.

25 Q. And you train him as best you can so that

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1 he wouldn't bite unless he's commanded, right?

2 A. That's the goal.

3 Q. All right. Sir, what is your height and
4 weight, as we sit here today?

5 A. Six foot, about 225.

6 Q. Was it about the same on July 18th, 2015?

7 A. No, sir, I've put on some weight. I was
8 probably around 200 pounds then.

9 Q. So about six feet and 200 pounds?

10 A. Yes, sir.

11 Q. It's around the holidays, it's easy to put
12 on the weight.

13 A. Yes, sir, and not doing K-9 training
14 anymore, kind of find something else to supplement
15 that.

16 Q. I want to talk to you about the -- what
17 happened on July 18th, 2015. Do you remember that
18 day?

19 A. Yes, sir.

20 Q. Is there anything that will keep you from
21 accurately remembering what happened on that day?

22 A. No, sir.

23 Q. All right. Well, let's start off, when
24 did you start your shift that day?

25 A. I believe it was at 7:00 p.m.

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1 Q. 7:00 p.m. And how long was your shift?

2 A. Ten hours.

3 Q. So it would have ended at, what is that,
4 5:00 a.m.?

5 A. Yes, sir.

6 Q. So where were you stationed when you
7 started your shift?

8 A. As a K-9 officer you -- I live in the
9 City, so I would just get in service from my
10 residence, call and notify dispatch that I was in
11 service and start answering calls or doing what I
12 needed to do.

13 Q. All right. At some point you were called
14 to the scene where Troy Goode was having an
15 incident, right?

16 A. Yes, sir.

17 Q. Where were you before you got that call?

18 A. I was on Getwell at Central Parkway, by
19 DeSoto Central High School.

20 Q. When you got that call, did you
21 immediately proceed to the scene?

22 A. Yes, sir.

23 Q. I'm going to hand you a picture that might
24 make this a little bit easier to describe where you
25 were and what happened.

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1 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
2 WAS PASSED TO THE WITNESS.)

3 BY MR. McCORMACK:

4 Q. Is this a fair and accurate depiction of
5 the location where, sort of an overhead view of
6 where Troy Goode was arrested on July 18th?

7 A. Yes, sir.

8 Q. Are you able to identify all of the roads
9 there?

10 A. Yes, sir, Goodman Road is right here.

11 Q. All right. Do me a favor and mark with
12 this Sharpie that I'm handing you, the direction
13 that you were traveling when you were responding to
14 that call.

15 A. (Witness complies). That would be east.

16 Q. And you've marked that with a black arrow?

17 A. Yes.

18 Q. Pointing down on, what road is that?

19 A. Goodman Road.

20 Q. So you headed south on Goodman Road,
21 right?

22 A. East.

23 Q. Sorry, east on Goodman Road?

24 A. Yes, sir.

25 Q. Where did you go when you headed east on

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1 Goodman Road?

2 A. While I was heading east and Goodman
3 Road -- do you want me to draw it or just...

4 Q. Let's -- where did you end up stopping on
5 Goodman Road?

6 A. In front of the shopping center right here
7 where the incident took place, where the Rancho
8 Grande Mexican Restaurant is. I pulled over on the
9 shoulder of Goodman Road in front of it.

10 Q. So on the right shoulder of the road?

11 A. Yes, sir.

12 Q. All right.

13 MR. McCORMACK: Let's go ahead and mark
14 that as Exhibit 2. If you can hand that to the
15 court reporter.

16 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
17 WAS MARKED AS EXHIBIT NO. 2 TO THE TESTIMONY OF THE
18 WITNESS AND IS ATTACHED HERETO.)

19 BY MR. McCORMACK:

20 Q. I have a slightly enlarged version of that
21 here.

22 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
23 WAS PASSED TO THE WITNESS.)

24 A. Thank you.

25 BY MR. McCORMACK:

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1 Q. Sir, is that a fair and accurate depiction
2 of the area where you pulled up your vehicle?

3 A. Yes, sir.

4 Q. All right. If you could, draw for me a
5 rectangle where you stopped your vehicle.

6 A. (Witness complies).

7 Q. All right. And you've just drawn a --

8 MR. JORDAN: Can he hold that up one more
9 time?

10 BY MR. McCORMACK:

11 Q. -- black rectangle where you had pulled
12 over your car? Could you mark with an X where you
13 saw Mr. Goode when you pulled up?

14 A. (Witness complies).

15 Q. And you've marked an X just about even
16 with your car.

17 A. Yes, sir.

18 Q. Is that fair to say?

19 A. Yes, sir.

20 Q. Were there any other officers on the scene
21 when you arrived?

22 A. Officer Todd Baggett was --

23 Q. Did Todd Baggett have a vehicle there?

24 A. Yes, sir.

25 Q. If you could, mark where his car is with

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1 another rectangle and we'll write a TG or TB by
2 that.

3 A. I don't recall exactly where it was in the
4 parking lot.

5 Q. It was somewhere in the parking lot up
6 here?

7 A. It was somewhere in the parking lot, yes,
8 sir.

9 Q. And you don't remember if it was stopped
10 in the driveway here or if it had pulled all the way
11 in?

12 A. He was in the parking lot, I just don't
13 recall where.

14 Q. Right. So you don't know if it was
15 stopped in the driveway or --

16 A. No, sir.

17 Q. -- pulled all the way in?

18 A. I don't recall.

19 Q. All right. Where was Todd himself when
20 you arrived?

21 A. Standing in the parking lot talking to
22 Ms. Goode.

23 Q. If you could mark with a TB where Todd
24 Baggett was.

25 A. This is approximate, but it was somewhere

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1 on that front row, I believe.

2 Q. All right. So that would be, he was to
3 the east of Mr. Goode?

4 A. Yes.

5 Q. I guess east and south?

6 A. Yes, sir.

7 Q. All right. Were there any other officers
8 on the scene when you arrived?

9 A. Not at this time.

10 Q. All right. When you first arrived on the
11 scene, what did you do?

12 A. I arrived on the scene. I exited my
13 vehicle and I walked around to the back of it behind
14 the Tahoe.

15 Q. All right. So you walked around in front
16 of your car to the back?

17 A. Yes.

18 Q. All right. When you got to the back of
19 your car, if I understand correctly, your testimony
20 is that Mr. Goode started walking towards the car,
21 right?

22 A. In an erratic manner. He was kind of
23 zigzagging towards it.

24 Q. And you walked up to the car, right?

25 A. Yes, sir.

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1 Q. And you started giving him verbal
2 commands, right?

3 A. At first I was just trying to have a
4 conversation with him and he wouldn't respond. As
5 he kept getting closer, I started giving him orders
6 and he still wouldn't respond.

7 Q. When he got to the car, did he make any
8 statements to you?

9 A. Yes, sir.

10 Q. What did he say?

11 A. It was something about, I'm not worried
12 about that dog, or I'm not worried; something along
13 those lines. It was kind of unintelligible, but he
14 said something definitely about the dog, like he
15 wasn't concerned about the dog, I'm not worried
16 about -- something.

17 Q. All right. And at that point, he reached
18 for the door handle, right?

19 A. Yes, sir.

20 Q. And he opened the car door?

21 A. Yes, sir, he did.

22 Q. And then Wessel got out of the car, right?

23 A. Yes, sir.

24 Q. Now, Wessel didn't immediately bite him,
25 did he?

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1 A. Where I was standing, Mr. Goode was right
2 there. And I was beside -- I was trying to get
3 Mr. Goode to come to me. And when he opened the
4 door, I heard my dog chomp. I can't say for certain
5 if he got a shirt, if he nipped him, I can't say for
6 certain, I didn't see that, but I heard a chomp.

7 Q. Well, if he did get him, where would he
8 have bitten him?

9 A. It would have been some -- somewhere on
10 the front.

11 Q. Somewhere on the front of his body?

12 A. It could have been arms, body. He could
13 have grabbed his shirt or something, I don't know.

14 Q. All right. Did you hear Mr. Goode scream
15 at that point as though he had been bitten?

16 A. He made a noise but it didn't sound like a
17 scream.

18 Q. Did you have any reason to believe at that
19 point that Mr. Goode had been bitten?

20 A. I didn't know at that point.

21 Q. All right. Now, after the dog got down
22 out of the car, you got control of him, right?

23 A. Yes, sir.

24 Q. Did you have him by the collar?

25 A. Yes, sir, I had him by his choke collar.

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1 Q. So you had him by the choke collar, so you
2 had good control of him?

3 A. Yes, sir.

4 Q. At this point, Mr. Goode was still by your
5 car, right?

6 A. At this point when he had opened the door,
7 he had come around this way, back towards the road.
8 I had came around and got Weasel. And somehow
9 Mr. Goode ended up behind my Tahoe right there, and
10 I was standing there with Weasel trying to give him
11 orders.

12 Q. So Mr. Goode got past you?

13 A. Yes.

14 Q. Did he walk around you?

15 A. I don't recall, but I believe so. At that
16 moment in time, I was just trying to get to my dog
17 because I didn't want him tearing off across the
18 parking lot.

19 Q. He would have had to have been close to
20 you if you were grabbing the dog, right?

21 A. Yes.

22 Q. Would you say he was within two or three
23 feet?

24 A. About -- I don't -- approximately.

25 Q. All right. Now --

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1 A. He was far enough away that I couldn't
2 grab him.

3 Q. Did you try to grab him?

4 A. I tried to grab his arm when I went by,
5 but I couldn't.

6 Q. So you grabbed the dog instead?

7 A. Yes.

8 Q. Now, after Mr. Goode had gotten by you,
9 you began giving him commands to stop where he was,
10 right?

11 A. And to lay down on the ground.

12 Q. When he didn't comply, you then ordered
13 your dog to attack him?

14 A. I was walking up to the Tahoe and I kept
15 saying, get on the ground, get on the ground.
16 Because at this time I did not want him running into
17 Goodman Road, traffic was so bad. I didn't want him
18 causing wrecks. My goal was to keep him out of
19 Goodman Road. It was 7 o'clock on a Friday
20 afternoon.

21 There was a Widespread Panic concert,
22 there were people everywhere, and all I could think
23 about was keeping him out of Goodman Road.

24 Q. That wasn't quite my question.

25 A. Yes, sir, but I was telling him to get on

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1 the ground. And when he refused, I said get on the
2 ground or I'm going to use my dog. At that time, he
3 laughed at me and he took off running west in the
4 grass.

5 Q. My question was, you commanded your dog to
6 attack him, didn't you?

7 A. Not initially, not right there.

8 Q. You didn't command your dog to attack
9 Mr. Goode?

10 A. Not at that point, not until he took off
11 running.

12 Q. I understand your testimony, but my
13 question to you is, did you command your dog to
14 attack Mr. Goode?

15 A. Not that I recall.

16 Q. You never made that command?

17 A. No, sir.

18 Q. You did release your dog to go attack him,
19 right?

20 A. Yes, sir.

21 Q. Now, we already talked about your
22 obedience training. Do you have a command that you
23 give your dog to have him apprehend a suspect?

24 A. Yes, sir.

25 Q. What's that command?

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1 A. Stellin.

2 Q. Stellin?

3 A. Stellin.

4 Q. And you didn't give that command that day?

5 A. When he took off running I did, but not
6 when he was standing behind the Tahoe.

7 Q. So that's a yes, you did give the command,
8 stellin?

9 A. Yes.

10 Q. Attack?

11 A. Yes.

12 COURT REPORTER: I'm sorry, stellin?

13 THE WITNESS: S-T-E-L-L-I-N.

14 BY MR. McCORMACK:

15 Q. Sir, I'm handing you what's been filed by
16 your attorney in this case.

17 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
18 WAS PASSED TO THE WITNESS.)

19 BY MR. McCORMACK:

20 Q. These are not filed, it has been sent to
21 us. These are responses to a set of requests for
22 admissions. Have you seen these before?

23 A. No, sir, I have not.

24 Q. Well, I'll tell you, I don't think it's in
25 dispute. These have been prepared by your

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1 attorneys. If you could look at Request No. 7 for
2 me. Do you see that?

3 A. Yes.

4 Q. And in that, we asked whether or not
5 someone in the Department of the City of Southaven
6 had ordered a dog to attack Mr. Goode, do you see
7 that?

8 A. Yes, sir.

9 Q. And that was denied, right?

10 A. I don't understand the question.

11 Q. Well, it says denied right there, doesn't
12 it?

13 A. Yes, sir, it does.

14 Q. So that's not true, you did command your
15 dog to attack Mr. Goode, right?

16 A. Yes, sir, I did.

17 Q. All right.

18 MR. McCORMACK: Let's go ahead and mark
19 those as Exhibit 3 to the deposition.

20 MR. PHILLIPS: Do we need to --

21 MR. JORDAN: Since he's already gone on
22 it, you want to make that 3?

23 MR. McCORMACK: Yeah, let's go ahead and
24 make that 3 and we'll make the RFOs 4.

25 THE WITNESS: Take this off and put it on

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1 that one?

2 MR. McCORMACK: Yeah, if you can.

3 Sometimes they stick on pretty good.

4 (WHEREUPON, THERE WAS DISCUSSION OFF THE RECORD.)

5 THE WITNESS: 3 on this one, sir?

6 MR. McCORMACK: Yes, and that will be 4.

7 THE WITNESS: Yes, sir.

8 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENTS
9 WERE MARKED AS EXHIBIT NOS. 3 AND 4 TO THE TESTIMONY
10 OF THE WITNESS AND IS ATTACHED HERETO.)

11 BY MR. McCORMACK:

12 Q. Do you know on July 18th, how tall was
13 Mr. Goode?

14 A. I recall he was about my height, that I
15 recall; maybe a little taller or around my height.

16 Q. Do you have any idea how much he weighed
17 on that day?

18 A. No, sir.

19 Q. Based on you looking at him, would it
20 surprise you if I told you he weighed about 150
21 pounds?

22 A. He was thin, he was skinny. I -- it
23 wouldn't surprise me.

24 Q. Didn't look like a big guy, did he?

25 A. No, sir.

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1 Q. Now, when you were there on the side of
2 the road and you said you had gotten out and gotten
3 control of your dog, Wessel, were any other officers
4 on the scene at that point?

5 A. Todd Baggett.

6 Q. Other than Todd Baggett, no one else had
7 arrived yet?

8 A. If they had, I don't recall.

9 Q. All right. You don't recall seeing
10 Officer Rich arrive?

11 A. No, sir. I know he was there, but I don't
12 recall seeing him arrive.

13 Q. You don't recall seeing Officer Bond
14 arrive?

15 A. No, sir.

16 Q. Okay. After the dog had attacked
17 Mr. Goode, it knocked him to the ground, right?

18 A. No, sir.

19 Q. It did not knock him to the ground?

20 A. No, sir.

21 Q. Well, if it didn't knock him to the ground
22 how did he end up on the ground?

23 A. He tripped.

24 Q. He tripped. Was that while the dog was
25 trying to apprehend?

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1 A. No, sir.

2 Q. So it's your testimony that the dog was
3 still attacking him and, I'm sorry, did you recall
4 the dog?

5 A. No, sir.

6 Q. You didn't. So the dog just kept
7 attacking him?

8 A. After I sent Wessel to apprehend
9 Mr. Goode, I recall Wessel making an apprehension on
10 his arm. At that time, Mr. Goode punched Wessel,
11 Wessel released from the bite, he fell down, and
12 that's when I started chasing on foot. Wessel came
13 back beside me, but he would never re-engage. He
14 just stayed beside me.

15 Q. So your testimony is that Wessel engaged,
16 Mr. Goode was still standing?

17 A. Yes.

18 Q. Mr. Goode, according to you, attacked the
19 dog, punched the dog?

20 A. Yes, sir.

21 Q. The dog stopped trying to bite him?

22 A. Yes.

23 Q. And then Mr. Goode fell?

24 A. Yes, sir.

25 Q. So it's your testimony that the dog didn't

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1 take him down, the dog just --

2 A. No, sir, the dog didn't take him down.

3 Q. All right. Now, after you got back
4 control of Wessel, you continued trying to give
5 commands, right?

6 A. Yes, sir.

7 Q. Mr. Goode still wasn't responding to your
8 commands, was he?

9 A. After Mr. Goode had fell, I grabbed
10 Wessel, backed away. And at that time, that's when
11 I first saw Joel, Officer Rich. Officer Rich,
12 Officer Baggett and Officer Bond. That's when they
13 came and tried to take Mr. Goode into custody.

14 Q. If you could, you still got Exhibit 3
15 there?

16 A. Yes, sir.

17 Q. Do you still have that marker?

18 A. Yes, sir.

19 Q. If you could mark for me with a TG where
20 Mr. Goode was at the time that he tripped.

21 A. This is approximate, but it's -- I'm
22 sorry, sir.

23 MR. JORDAN: You using another X on that?

24 THE WITNESS: TG.

25 BY MR. McCORMACK:

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1 Q. All right. And if you could, were you in
2 about the same position next to your cruiser?

3 A. When he tripped?

4 Q. Yes.

5 A. No, sir. When he tripped I was behind
6 him. I was running after him, behind him.

7 Q. And by behind him, you mean that you were
8 on the, I guess that would be the western side --

9 A. Yes, sir.

10 Q. -- of Goodman Road?

11 A. Yes, sir.

12 Q. All right. If you could, mark with a JS
13 where you were when he tripped.

14 A. (Witness complies). Approximately about
15 10 yards behind him.

16 Q. Okay. Now we have that cruiser there.
17 Was Todd Baggett still in the same location?

18 A. Yes.

19 Q. Where was Officer Rich?

20 A. I don't know where he came from, just when
21 Mr. Goode did trip and fall, I came around with my
22 dog, told him to stay on the ground. And as soon as
23 I came around, that's where Officer Rich, Officer
24 Baggett and Officer Bond attempted to take him into
25 custody.

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1 Q. All right. Were they in the parking lot
2 when they started to approach Mr. Goode?

3 A. Yes, sir.

4 Q. So they were on the south side?

5 A. That I recall, yes, sir.

6 Q. Okay. Mr. Goode didn't have a weapon on
7 him, did he?

8 A. No, sir.

9 Q. Before the first time that the dog
10 apprehended him, he wasn't attacking anyone, was he?

11 A. No, sir.

12 Q. It was daylight?

13 A. Yes, sir.

14 Q. Clear visibility?

15 A. Yes, sir.

16 Q. You were able to see him clearly?

17 A. Yes, sir.

18 Q. When Wessel first apprehended Mr. Goode,
19 which arm was that on, do you remember?

20 A. He was running west from me, so it would
21 be his -- I believe it would be his left arm.

22 Q. On his left arm. And what angle did the
23 dog apprehend him from?

24 A. He came up from -- when you run your arms
25 move like that. Came up from under, somewhere like

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1 that.

2 Q. All right.

3 A. I can't tell you if it was directly under,
4 or if it came like that, but it was somewhere in
5 that area.

6 Q. When he bit Mr. Goode, did he hang on or
7 did he release the bite immediately?

8 A. He hung on for a second, until Mr. Goode
9 hit him.

10 Q. Okay. Now, you said again, that Mr. Goode
11 at this point, you were behind him, right?

12 A. Yes, sir.

13 Q. And he has gotten back up?

14 A. Yes, sir. Well, he never fell. He kept
15 running. After he hit the dog, Wessel released.
16 That's when he turned and kept running.

17 Q. So he didn't fall at this point?

18 A. No, sir.

19 Q. So I was mistaken there, he didn't trip
20 until after --

21 A. Yes, sir.

22 Q. -- sometime later. All right.

23 But at this point you were behind him,
24 right?

25 A. Yes, sir.

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1 Q. And you had three other officers on the
2 scene?

3 A. Yes, sir.

4 Q. And which direction did you say that
5 Mr. Goode was running?

6 A. After --

7 Q. After the dog had bit him?

8 A. He had turned and was running back east.

9 Q. So he had started running east?

10 A. Yes.

11 Q. According to you. Okay. And just to be
12 clear, you didn't see where the other cruisers were
13 from the officers who had arrived, either Officer
14 Rich on Bond?

15 A. No, sir, I don't recall where there were.

16 Q. All right. Did you see any cars in this
17 sort of driveway area, coming into the parking lot?

18 A. I don't recall.

19 Q. All right. Now, when Mr. Goode continued
20 not responding to your commands, you then deployed
21 your taser, right?

22 A. Yes, sir.

23 Q. And you did that in order to try to knock
24 him down, get him to the ground and get control of
25 him?

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1 A. Yes, sir.

2 Q. Were there any other police officers who
3 had pulled their taser or aimed it at Mr. Goode?

4 A. I didn't -- I don't recall seeing any.

5 Q. Now you did fire your taser, right?

6 A. Yes, sir.

7 Q. And according to you, only one dart
8 connected, right?

9 A. Yes, sir.

10 Q. And it's your testimony that Mr. Goode
11 wasn't shocked by the taser, right?

12 A. Yes, sir.

13 Q. He just tripped?

14 A. Yes, sir.

15 Q. And that was at the same time that you hit
16 him with the taser?

17 A. He tripped in the wires because I almost
18 tripped in them, too.

19 Q. Now, you were hitting him from behind,
20 right?

21 A. Yes, sir.

22 Q. And it's your testimony that he tripped in
23 the wires while running?

24 A. Yes, sir.

25 Q. Mr. Goode fell face first, right?

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1 A. Yes, sir.

2 Q. If, in fact, he had been shocked by the
3 taser, he would have also fallen face first, right?

4 A. I assume.

5 Q. And if, in fact, he had been shocked by
6 the taser, there would be marks on his clothes
7 showing that he had been hit by that taser, right?

8 A. Yes, sir.

9 Q. Do you know what happened to Mr. Goode's
10 clothes after all this was over?

11 A. No, sir, I don't.

12 Q. All right. Now, after Mr. Goode fell to
13 the ground, you went over to handcuff him, right?

14 A. No, sir, I did not.

15 Q. You did not. Who did go to handcuff him?

16 A. I don't recall who -- it would have either
17 been Officer Rich or Officer Baggett, I don't recall
18 which one it was.

19 Q. They also applied shackles to his legs,
20 didn't they?

21 A. Yes, sir.

22 Q. Are you issued shackles as part of your
23 standard equipment?

24 A. Some people are, some people aren't.

25 Q. What determines who is and who isn't?

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1 A. We have some in the equipment room, and
2 sometimes you can check a pair out. I've had a pair
3 I bought several years ago I've just had forever.

4 Q. You bought them personally?

5 A. Yes, sir.

6 Q. Were those used on Mr. Goode?

7 A. Yes, sir.

8 Q. The ones that you bought?

9 A. Yes, sir.

10 Q. What kind of shackles are those?

11 A. It's like a big set of handcuffs, except
12 it has about a 15-inch chain in the middle. And the
13 cuff part on the end is way oversized to accommodate
14 ankles and stuff like that.

15 Q. Made out of steel?

16 A. Yes, sir.

17 Q. Where did you buy those?

18 A. I believe it was at Shapiro's on Summer
19 Avenue when they were in business several years ago.

20 Q. Do you remember what brand name or
21 manufacturer those are?

22 A. No, sir, I -- I -- it's either going to be
23 Smith & Wesson or Peerless, but I can't recall which
24 one.

25 Q. There's Smith & Wesson or, what was the

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1 other name?

2 A. Peerless.

3 Q. Is that Peerless, like P-E-E-R?

4 A. Yes, sir.

5 Q. After the police officers who were
6 restraining Mr. -- well, let's take that a little
7 more slowly. Mr. Goode is on the ground after
8 having tripped?

9 A. Yes, sir.

10 Q. All right. And two officers approached
11 him, or was it more than two?

12 A. Three.

13 Q. Three officers.

14 A. No, at this time it was three, and I do
15 recall that Officer Price had arrived, I do recall
16 that now.

17 Q. All right.

18 A. Officer Price had arrived. He hadn't made
19 it to Mr. Goode yet, but Officer Bond, Officer Rich
20 and Officer Baggett were dealing with Mr. Goode at
21 this point.

22 Q. And three of them went over and got
23 control of him?

24 A. Yes, sir.

25 Q. Now, you had your taser, so were you

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1 having to deal with the cords for that?

2 A. Well, as soon as he went to the ground and
3 the two officers came to take control of him, I
4 still had my dog. So what I did was I walked back
5 to my Tahoe, put my dog in there, took the cartridge
6 off. Walked back up to them. And at that time
7 Officer Bond is holding his legs as he's kicking,
8 and he says, I need some shackles.

9 Q. When was Officer Bond said I need some
10 shackles, you gave him your shackles?

11 A. I went back to my truck, got my shackles,
12 came back and gave them to Officer Bond.

13 Q. When you gave the shackles to Officer
14 Bond, he -- well, again, I want to take this a
15 little more slowly.

16 When Mr. Goode was on the ground, and the
17 three officers, that would have been Rich, Bond and
18 Baggett were approaching him, did they manage to get
19 control of his arms?

20 A. Eventually.

21 Q. Did they have to put any pressure on his
22 back --

23 A. Yes, sir.

24 Q. -- to keep him down?

25 A. Yes, sir.

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1 Q. And he was face down, right?

2 A. Yes, sir.

3 Q. And how did they put pressure on his back?

4 A. I don't recall. I know they -- I know I
5 saw at one time, at this time Officer Price had got
6 over there and he was putting a hand on his back to
7 hold him.

8 Q. All right. Did you see any of those
9 officers put their knee on his back to keep him in
10 control?

11 A. No, sir, I did not.

12 Q. You didn't see any of them put their knee
13 on his back?

14 A. No, sir.

15 Q. All right. So they had the hand on his
16 back and they were getting control of his arms,
17 right?

18 A. (Witness nods head affirmatively.)

19 Q. Did they manage to get him in handcuffs
20 before they applied the shackles?

21 A. Yes, sir.

22 Q. So once he was handcuffed, there were
23 still three officers controlling him, right?

24 A. Yes, sir.

25 Q. And they asked you for your pair of

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1 shackles?

2 A. Yes, sir.

3 Q. You went to your truck and got the
4 shackles?

5 A. Yes, sir.

6 Q. And then you went over and handed them to
7 Officer Bond?

8 A. Yes, sir.

9 Q. And Officer Bond applied them to his legs,
10 right?

11 A. Yes, sir.

12 Q. And he looped them so that his legs -- the
13 shackles were attached to the handcuffs, right?

14 A. Yes, sir. I didn't actually see that,
15 because at the time I dropped -- when I gave him the
16 shackles, I turned and went back into the parking
17 lot.

18 Q. At any point did you see that his hands
19 and his legs were connected?

20 A. Yes, sir.

21 Q. It's commonly called the hogtie position,
22 right?

23 A. We call it the four point restraint.

24 Q. It's also called the maximal restraint,
25 prone maximal restraint, right?

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1 A. Yes, sir.

2 Q. Is it okay if I call it the hogtie
3 restraint?

4 A. Yes, sir.

5 Q. Now, when Mr. Goode was hogtied, he was
6 still face down, right?

7 A. I believe so.

8 Q. When he was hogtied, did you turn him on
9 his side so that he could breathe?

10 A. I wasn't over there.

11 Q. Did you see any other officer turn him on
12 his side so that he could breathe?

13 A. I believe they did turn him on his side.
14 I believe Officer Price did.

15 Q. Did you see that personally?

16 A. When I was talking to Ms. Goode in the
17 parking lot, I remember looking over and I remember
18 seeing the back of his feet, which would indicate he
19 was laying on his side.

20 Q. All right. So you believe that you did
21 see him turned on his side?

22 A. Yes, sir.

23 Q. And how long was he turned on his side?

24 A. I don't know.

25 Q. Who turned him on his side?

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1 A. I believe it was Officer Price, but I
2 can't be sure.

3 Q. Now, when he was turned on his side, did
4 anyone go to check his breathing?

5 A. I don't know.

6 Q. You didn't do it, did you?

7 A. No, sir.

8 Q. All right. Did you assist in placing
9 Mr. Goode in the ambulance?

10 A. No, sir.

11 Q. Did you see how he was placed in the
12 ambulance?

13 A. When I looked over he was already on -- he
14 was already on the gurney and they were wheeling him
15 over to the ambulance.

16 Q. When you say when you looked over, you
17 weren't involved in anything, you weren't over there
18 with him?

19 A. No, sir.

20 Q. The other officers, at that point?

21 A. No, sir.

22 Q. What were you doing while the other
23 officers were attempting to place Mr. Goode on the
24 gurney?

25 A. At that time, Lieutenant Tim Wood, who's

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1 the shift supervisor, had arrived on scene, and I
2 was speaking with him and Ms. Goode.

3 Q. All right. Did you talk to anyone at the
4 scene, including but not limited to Ms. Goode, about
5 what was happening?

6 A. Ms. Goode.

7 Q. Just Ms. Goode?

8 A. Yes.

9 Q. Did you talk to any other eyewitnesses at
10 the scene?

11 A. I don't recall speaking to anybody else.

12 Q. All right. What do you remember Ms. Goode
13 telling you?

14 A. I remember, to the best of my
15 recollection, when I walked up there and I spoke
16 with her, I said what is wrong with him. And she
17 said I am sorry he made you do that. I said what is
18 he taking, we need to know. And she said, he look
19 LSD.

20 Q. She wasn't trying to conceal the fact that
21 he had taken LSD from you?

22 A. No, sir.

23 Q. Did she also tell you that he had asthma?

24 A. No, sir.

25 Q. Are you aware that he had asthma?

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1 A. No, sir.

2 Q. Did any other officer tell you, this guy's
3 got asthma, we need to be careful with him?

4 A. No, sir.

5 Q. Did you talk to any of the paramedics on
6 the scene?

7 A. No, sir.

8 Q. Have you given any statements to the
9 Mississippi Bureau of Investigation related to this
10 matter?

11 A. No, sir.

12 Q. How about to the FBI?

13 A. No, sir.

14 Q. U.S. Attorney's Office?

15 A. No, sir.

16 Q. Have you given any statements to anyone
17 other than your attorney about this case?

18 A. No, sir.

19 Q. You haven't given any statements to your
20 own -- to your Lieutenant?

21 A. Well, my Lieutenant got a copy of the memo
22 I wrote to Lieutenant Little.

23 Q. You haven't spoken to the police chief
24 about it?

25 A. He just -- he called me and told me that

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1 we had been cleared by the Department of Justice.

2 Q. You didn't talk to anyone else in the
3 department, any of the other officers who were
4 there?

5 A. We talked about it, just after the scene,
6 but after that we just went back to work.

7 Q. All right. I want to talk to you a little
8 bit about the technology that you use there at the
9 police department. You have a computer that you
10 use, right?

11 A. Yes, sir.

12 Q. As you type up reports on it?

13 A. Uh-huh (affirmative response).

14 Q. You also have an email address there,
15 don't you?

16 A. Yes, sir.

17 Q. Do you receive emails at that email
18 address?

19 A. Yes, sir.

20 Q. What is that email address?

21 A. Jscallorn@southaven.org.

22 Q. Did you send or receive any emails about
23 this case?

24 A. I don't recall. Chief may have emailed
25 something about when you guys were asking for

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1 information and stuff. We get those emails to
2 supply documentation or whatever you needed, but
3 that's about all I remember.

4 Q. Do you remember getting an email about
5 this case from your police chief?

6 A. Yes, sir, but I don't recall -- remember
7 what it said.

8 Q. All right. When you prepare a report on
9 that computer, do you email it to someone?

10 A. No, sir.

11 Q. What happens to that report?

12 A. It's not emailed, per se. It's -- when
13 you get through with the report, it's sent to a
14 supervisor for them to -- to review it and to
15 approve it. But it's not an email, per se. It's
16 kind of a closed thing.

17 Q. And what about the memos, are those the
18 same way as a closed -- closed system?

19 A. No, sir, the memos are done on a Word
20 document and they're printed out and given to
21 whoever they need to be given to.

22 Q. It's a Word document, you say?

23 A. Yes, sir.

24 Q. Do you have to have a unique login to get
25 into the computer though?

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1 A. Yes, sir.

2 Q. And that's one that's just unique to you,
3 nobody else can use it?

4 A. Well, not for -- not for memos and stuff.
5 We basically have a desktop where it's like
6 community folders, but if you want to get into the
7 reporting system, it's -- you have to login to that.

8 Q. All right. I'm handing you what has been
9 produced to us as your Incident Supplement Report.

10 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
11 WAS PASSED TO THE WITNESS.)

12 BY MR. McCORMACK:

13 Q. Is this a fair and accurate copy of the
14 Incident Supplement Report you prepared about this
15 case?

16 A. Yes, sir.

17 Q. Let's talk about why you prepare an
18 incident report or an Incident Supplement Report.
19 You prepare it for a couple of reasons: No. 1 is
20 you want to make sure that all of the events are
21 accurately recorded, right?

22 A. Yes, sir.

23 Q. You want to make sure that it's accurately
24 recorded because No. 1, it tracks what activities
25 you took, right?

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1 A. Yes, sir.

2 Q. No. 2, it could be used for part of a
3 criminal prosecution, right?

4 A. Yes, sir.

5 Q. And No. 3, it could be used as part of a
6 civil lawsuit like this one?

7 A. Yes, sir.

8 Q. And you know that before you prepare these
9 reports, right?

10 A. Yes, sir.

11 Q. And this report was prepared the day after
12 Troy Goode had passed away, right?

13 A. Yes, sir.

14 Q. So when you wrote this, you already knew
15 that Mr. Goode was dead?

16 A. Yes, sir.

17 Q. And, of course, because you knew that
18 Mr. Goode was dead, and because you knew you wanted
19 to be as accurate as possible, you included all
20 information that you could remember that you thought
21 was relevant in that report, didn't you?

22 A. Yes, sir.

23 MR. MCCORMACK: All right. Let's go ahead
24 and mark that as Exhibit 5.

25 MR. HUSKISON: Which one do we want to

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1 mark? Do we want to mark the Supplemental Incident
2 Report?

3 MR. McCORMACK: Yes.

4 MR. HUSKISON: And you're looking at a
5 memo, too. You want -- we marking it as well?

6 MR. McCORMACK: Yeah, that's next.

7 MR. HUSKISON: Okay.

8 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
9 WAS MARKED AS EXHIBIT NO. 5 TO THE TESTIMONY OF THE
10 WITNESS AND IS ATTACHED HERETO.)

11 BY MR. McCORMACK:

12 Q. I'm handing you a memo.

13 A. Yes, sir.

14 Q. Looks like it was prepared by you, going
15 to Lieutenant Little, also on the 19th.

16 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
17 WAS PASSED TO THE WITNESS.)

18 BY MR. McCORMACK:

19 Q. That would also be the day after Troy
20 Goode had died?

21 A. Yes, sir.

22 Q. And you prepared this memo in order to
23 expand on your incident report, right?

24 A. Yes, sir.

25 Q. Did you include all information that you

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1 thought was relevant to the case, right?

2 A. Yes, sir.

3 Q. You did include everything that you
4 thought was relevant?

5 A. Yes, sir.

6 Q. As we sit here today, is there anything
7 that you want to revise about that memorandum?

8 A. Not that I recall.

9 Q. All right. And I might have already asked
10 this, but this is a true and accurate copy of that
11 memo, right?

12 A. Yes, sir.

13 MR. MCCORMACK: Let's go ahead and mark
14 that as Exhibit 6.

15 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
16 WAS MARKED AS EXHIBIT NO. 6 TO THE TESTIMONY OF THE
17 WITNESS AND IS ATTACHED HERETO.)

18 BY MR. McCORMACK:

19 Q. You didn't have a warrant for Mr. Goode's
20 arrest, did you?

21 A. No, sir.

22 Q. You arrested him on a misdemeanor charge,
23 right?

24 A. Yes, sir.

25 Q. What was that misdemeanor charge you

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1 arrested him for?

2 A. It was going to be public intoxication and
3 disorderly conduct, failure to obey.

4 Q. Those are all misdemeanors, right?

5 A. Yes, sir.

6 Q. Mr. Goode was not armed?

7 A. No, sir.

8 Q. I want to talk to you a little bit about
9 the policies and procedures of the Southaven Police
10 Department. You're familiar with the K-9 policies
11 you've already said, right?

12 A. Yes, sir.

13 Q. The K-9 policies state that a K-9 officer
14 should not have a history of disciplinary actions
15 against him, right?

16 A. Yes, sir.

17 Q. We had already gone through what Southaven
18 knew when you became a K-9 officer, right?

19 A. Yes, sir.

20 Q. They knew about a history of misconduct?

21 A. Yes, sir.

22 Q. They still allowed you to become a K-9
23 officer, right?

24 A. Yes, sir.

25 Q. According to Southaven Police Department

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1 policy, to the best of your understanding, are you
2 allowed to hogtie a suspect?

3 A. If you have to, to gain control you can
4 use a four point restraint.

5 Q. And that includes keeping them face down
6 with their hands and their legs bound to each other,
7 right?

8 A. Yes, sir.

9 Q. According to Southaven policy, are you
10 allowed to transport that person in that position?

11 A. I don't know.

12 Q. You don't know whether or not your
13 policies allow a person to be transported in a
14 hogtied position?

15 A. No, sir. I personally would not, but I
16 don't know what the policy says, per se, about
17 transporting somebody that's in a four point
18 restraint.

19 Q. Why would you not transport somebody --

20 MR. GASS: Can I just ask, you used you
21 and transport, and then there's the police
22 department and then there's the EMS, the ambulance.
23 And I don't know if you're meaning to include both
24 of them together in the you.

25 BY MR. MCCORMACK:

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1 Q. Well, let me clarify that for you. When
2 I'm talking about these questions, I'm talking about
3 the police department policies. Is that clear to
4 you?

5 A. Yes, sir.

6 Q. Now, the police department policies,
7 you're not sure whether or not they allow a police
8 officer to transport a suspect in the hogtied
9 position?

10 A. Correct.

11 Q. And you said that you wouldn't do it?

12 A. No, sir.

13 Q. Why wouldn't you do it?

14 A. In the back of a police car, there's no
15 way to monitor them if they are like that.

16 Q. So what would you be afraid of?

17 A. That they could possibly die.

18 Q. You received training from the Mississippi
19 Law Enforcement Officers Training Academy, didn't
20 you?

21 A. Yes, sir.

22 Q. Did Ron Crew teach any of your courses?

23 A. Yes, sir.

24 Q. Do you believe that he is a competent
25 instructor?

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1 A. He was then. I haven't spoken to him
2 since 2000.

3 Q. Speaking about your experiences with him,
4 was he competent?

5 A. From what I recall, yes, sir.

6 Q. Did he seem knowledgeable?

7 A. From what I recall, yes, sir.

8 Q. Seemed to know what he was talking about?

9 A. Yes, sir.

10 Q. Did you use any of the materials he had
11 written in your courses?

12 A. Not that I recall.

13 Q. Did you use a -- the cover here, a manual,
14 Mechanics of Arrest and Control? Do you recall
15 that?

16 A. No, sir.

17 Q. Would you agree with me that if a person
18 is put in a hogtie position, you must get them on
19 their side as quickly as possible, or else they will
20 die?

21 MR. UPCHURCH: Object to the form.

22 A. Not necessarily.

23 BY MR. McCORMACK:

24 Q. Were you trained that if you hogtie
25 someone, you must get them on their side or else

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1 they could die?

2 A. No, sir.

3 Q. You were not trained about that?

4 A. (Witness nods head negatively.)

5 Q. When the City of Southaven -- well, the
6 shackles you used weren't issued by the City of
7 Southaven, were they?

8 A. No.

9 Q. Did you advise the City that you were
10 using your own equipment?

11 A. I've always carried them.

12 Q. Has anyone ever raised an issue about you
13 carrying those shackles?

14 A. No, sir.

15 Q. Did you receive any discipline for
16 carrying those shackles?

17 A. No, sir.

18 Q. Even after this event, did you receive any
19 discipline for using your own equipment?

20 A. No, sir.

21 Q. Have you ever advised anyone before today
22 that those are your equipment rather than the City's
23 equipment?

24 A. It's common knowledge, a lot of guys carry
25 them. We carry our own handcuffs, too.

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1 Q. You pay for your own handcuffs?

2 A. Uh-huh (affirmative response).

3 Q. I want to talk to you a little bit about
4 your work history. Other than the Southaven Police
5 Department, what other police departments have you
6 worked with?

7 A. The DeSoto County Sheriff's Department and
8 the Hernando Police Department.

9 Q. Have you worked with any police department
10 outside the State of Mississippi?

11 A. No, sir.

12 Q. Have you ever been trained by any police
13 department outside the State of Mississippi?

14 A. Yes, sir.

15 Q. Which other police departments have you
16 received training from?

17 A. A lot of times we'll do classes, and it
18 will be what we call an import class, we'll bring
19 instructors from different places. I remember West
20 Monroe, Louisiana was one of them. I can't recall,
21 I mean, over the years what agencies they worked at.

22 I remember the West Monroe because my
23 family is from Monroe, Louisiana, so that resonated
24 with me, I remember that. But the rest of them,
25 people come from out of town to train us, but I

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1 don't recall where they're from.

2 Q. Fair enough. Other than the discipline
3 that we talked about -- well, where had you
4 committed those acts of misconduct that we talked
5 about from that polygraph report?

6 A. Where at?

7 Q. Were they with one department or were they
8 with multiple?

9 A. Just Hernando.

10 Q. Just Hernando. Other than the discipline
11 that we already talked about in Hernando, have you
12 ever received any other disciplinary actions against
13 you?

14 A. No, sir.

15 Q. Have you ever committed any acts that
16 should have caused there to be discipline against
17 you?

18 A. No, sir.

19 Q. With the City of Southaven, have you ever
20 committed any acts that you believe should cause
21 discipline against you?

22 A. No, sir.

23 Q. Have you been disciplined at all for your
24 actions in relation to Mr. Goode?

25 A. No, sir.

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1 Q. Are you aware of anyone who's been
2 disciplined as a result of Mr. Goode's death?

3 A. Excuse me. No, sir.

4 Q. And I think I already know the answer to
5 this, but I probably should ask it anyway.

6 Are you aware of any officers between
7 their interactions with Troy Goode violated any of
8 the Southaven Police Department's policies and
9 procedures?

10 A. No, sir.

11 Q. And that's including in their
12 transportation of him, that's including everything
13 all through the time that he was alive?

14 A. Yes, sir.

15 Q. All right. Did you ever go to Baptist
16 Memorial Hospital-DeSoto when Troy Goode was there?

17 A. Yes, sir, I did.

18 Q. How many times?

19 A. Twice.

20 Q. All right. Let's talk about that first
21 one. Why did you go there?

22 A. First time was, it's customary after we
23 have a K-9 apprehension to go to the hospital to
24 photograph the apprehension. And usually then a
25 patrolman will stay with him. We'll leave and go to

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1 the police department and start our paperwork.

2 Q. Now, you say it's customary to photograph
3 the wounds. What do you use to photograph them?

4 A. A City camera.

5 Q. Once you photograph them, is that a
6 digital camera?

7 A. Yes, sir.

8 Q. So then you have to upload them to a
9 computer?

10 A. Yes, sir.

11 Q. Did you take any pictures in this case?

12 A. No, sir, I couldn't.

13 Q. When you got to the hospital, was
14 Mr. Goode in a room or was he still in the emergency
15 area?

16 A. He was in a room.

17 Q. He was in a room? Were there any other
18 officers in the room with him?

19 A. Officer Baggett.

20 Q. Other than Officer Baggett, were there any
21 other officers that you saw there at the hospital?

22 A. No, sir.

23 Q. You didn't see Officer Bond there?

24 A. No, sir.

25 Q. Did you talk to Officer Baggett about what

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1 had happened?

2 A. I briefly spoke with him, I don't recall
3 what it was about. We couldn't talk. Mr. Goode was
4 creating such a disturbance. He was yelling that --
5 I did want to pull Officer Baggett out of the room
6 to speak with him, but there's no way I could have
7 spoke with him in the room because of the
8 disturbance he was creating.

9 So at that time Lieutenant Wood showed up.
10 He instructed me to leave from there and go to the
11 police department and start my paperwork and Officer
12 Baggett to stay.

13 Q. Did you talk to -- how long did you talk
14 to Officer -- I'm sorry, Lieutenant Wood?

15 A. Just a -- it's basically, you know, what
16 are you doing here. I was going to come document
17 the apprehension, but I can't. He said okay, clear
18 it and go to the station and start on your
19 paperwork.

20 Q. Then you went back to station, right?

21 A. Yes, sir.

22 Q. Started on your paperwork?

23 A. Yes, sir.

24 Q. About what time did you go to the hospital
25 that first time?

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1 A. It was before it got dark, and it was
2 summertime, but it was right as the sun -- I think
3 the sun was going down. I hate to speculate but
4 maybe around between 7:50 and 8:20, somewhere around
5 there.

6 Q. And then you drove back to the police
7 department?

8 A. Yes, sir.

9 Q. And you started doing some paperwork
10 there?

11 A. Yes, sir.

12 Q. About how long after you got back -- about
13 how long did it take you to get to the police
14 department?

15 A. From the hospital?

16 Q. Yes.

17 A. Maybe 10 minutes.

18 Q. All right. How long were you doing
19 paperwork before you received a call to go back to
20 the hospital?

21 A. It was a while, maybe an hour and a half,
22 two hours.

23 Q. What prompted you to go back to the
24 hospital?

25 A. I was doing the paperwork and at that

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1 time, Lieutenant Wood had walked up to me and told
2 me that Mr. Goode had coded. And I said, yes, sir.
3 And he went to the hospital. And I said, well, I'll
4 meet you up there.

5 Q. Why did you go to the hospital?

6 A. Don't know. I mean, I wanted to go up
7 there and just help as much as I could, I guess.

8 Q. You had been involved in the arrest of
9 Mr. Goode, right?

10 A. Yes, sir.

11 Q. You heard that he had coded and you
12 decided independently that you would go up there,
13 right?

14 A. Yes, sir.

15 Q. You weren't ordered to go?

16 A. Well, Lieutenant Wood said, are you going.
17 I said, yes, sir, I'll meet you up there. And he
18 said, okay, come on.

19 Q. So was that an order for you to go?

20 A. I don't know.

21 Q. But you independently felt that it was
22 important that you go to the hospital, right?

23 A. Yes, sir.

24 Q. When you arrived at the hospital, who was
25 there, which officers?

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1 A. Officer Baggett, Lieutenant Wood. I don't
2 -- I don't know if there was anybody -- I don't
3 recall.

4 Q. You recall Officer Baggett and Lieutenant
5 Wood?

6 A. Yes, sir.

7 Q. Did you speak with them?

8 A. Just, I walked up and I asked Officer
9 Baggett, I said, what happened. He said he was in
10 the emergency room with him when he coded, then they
11 started working him.

12 Q. When you had gone to the hospital either
13 time, were you able to see Mr. Goode?

14 A. The first time I was.

15 Q. Was he still laying face down?

16 A. Yes, sir.

17 Q. Were his hands and legs still restrained
18 in the hogtied position?

19 A. Four point restraint, yes, sir.

20 Q. Were there any other straps on him at that
21 point?

22 A. Not that I recall.

23 Q. Was he hooked up to any kind of monitors
24 that you could see?

25 A. I don't -- I don't recall. There were

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1 monitors in the room, I don't know if he was hooked
2 up to them.

3 Q. Did you speak to any nurses or doctors at
4 the hospital?

5 A. No, sir.

6 Q. When you were at the hospital, did you
7 hear any of the officers standing outside of
8 Mr. Goode's room laughing?

9 A. No, sir.

10 Q. So if that did happen it wasn't when you
11 were there?

12 A. No, sir.

13 Q. All right. After Mr. Goode had passed
14 away, were you able to ever go in and see what
15 condition he was in?

16 A. I stuck my head in the door, but at that
17 time Lieutenant Little, the supervisor I wrote the
18 memo to, had arrived on scene with Detective, I
19 believe it was Rosenberg, and they were
20 photographing. I stuck my head in the door for a
21 second but I didn't go in.

22 Q. So you weren't able to see any of the
23 injuries to Mr. Goode?

24 A. No, sir.

25 Q. As we sit here today, have you seen any

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1 photographs of his injuries?

2 A. I saw pictures of the bite that Lieutenant
3 Little and Detective Rosenberg took, but that's all
4 I saw.

5 Q. And that would be a bite on his left arm?

6 A. Yes, sir.

7 Q. Did you see any other bite wounds on him?

8 A. No, sir.

9 Q. So when we were talking earlier about how
10 you weren't sure whether or not your dog had managed
11 to bite him when he was first getting out of the
12 car, you didn't see any bite wounds on his body that
13 would indicate that he did manage to bite him?

14 A. No, sir.

15 Q. And by bite, that would be, that your dog
16 managed to bite Mr. Goode?

17 A. No, sir.

18 Q. How many pictures did you see?

19 A. I don't recall, just a couple.

20 Q. How did you receive those? Were they
21 given to you or were you just shown them?

22 A. I believe Detective Rosenberg showed them
23 to me. No, no, he emailed them to me because I had
24 to give them to the K-9 lieutenant to put in the
25 file. Excuse me on that.

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1 Q. They were emailed to your --

2 A. Yes.

3 Q. -- work email address?

4 A. Yes.

5 Q. And you said that was Detective Rosen who
6 emailed them to you?

7 A. Rosenberg.

8 Q. Rosenberg. Did Detective Rosenberg email
9 you anything other than the pictures for the K-9
10 file?

11 A. No, sir.

12 Q. Now this K-9 file that you just mentioned,
13 is that kept at the police department?

14 A. Yes, sir.

15 Q. Does that contain all the information
16 about the K-9 apprehension of Mr. Goode on July
17 18th?

18 A. Same stuff as right here, just with
19 pictures.

20 MR. McCORMACK: All right. I need a
21 couple of minutes to gather together the rest of
22 what I'm going to do. Mind if we take about five
23 minutes?

24 VIDEOGRAPHER: Going off the record. The
25 time is 10:38.

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1 (A BRIEF BREAK WAS TAKEN FROM 10:38 A.M.
2 UNTIL 10:52 A.M.)

3 VIDEOGRAPHER: Going back on the record.
4 The time is 10:52.

5 BY MR. McCORMACK:

6 Q. Before the break we had talked a little
7 bit about pictures that you had seen that were shown
8 to you by a detective with the Southaven Police
9 Department. I'm going to show you some pictures and
10 see if these are the ones that you remember.

11 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
12 WAS PASSED TO THE WITNESS.)

13 BY MR. McCORMACK:

14 Q. Do you remember seeing this picture, sir?

15 A. Yes, sir.

16 MR. McCORMACK: Pass some copies around to
17 everyone.

18 BY MR. McCORMACK:

19 Q. And this is a picture of Mr. Goode's left
20 arm?

21 A. Yes, sir.

22 Q. And looks like there's a, what looks to be
23 a bite wound there on his forearm.

24 A. Yes, sir.

25 Q. Is that right? And to your understanding,

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1 is that where your dog bit --

2 A. Yes, sir.

3 Q. -- Mr. Goode? All right.

4 MR. McCORMACK: Let's go ahead and mark
5 that as Exhibit 7.

6 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
7 WAS MARKED AS EXHIBIT NO. 7 TO THE TESTIMONY OF THE
8 WITNESS AND IS ATTACHED HERETO.)

9 THE WITNESS: On the picture, is there a
10 certain place you want me to put it?

11 MR. McCORMACK: If you could put it in the
12 bottom corner.

13 THE WITNESS: Okay.

14 BY MR. McCORMACK:

15 Q. Handing you another picture.

16 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
17 WAS PASSED TO THE WITNESS.)

18 BY MR. McCORMACK:

19 Q. Do you recall seeing this picture?

20 A. No, sir.

21 Q. Do you recall seeing any pictures of
22 Mr. Goode's wrist?

23 A. No, sir.

24 Q. All right.

25 MR. GASS: Can we still make a record of

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1 --

2 MR. McCORMACK: Yeah.

3 MR. PHILLIPS: For ID, maybe.

4 MR. McCORMACK: We'll mark that one as
5 Exhibit 8.

6 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
7 WAS MARKED FOR IDENTIFICATION ONLY AS EXHIBIT NO. 8
8 TO THE TESTIMONY OF THE WITNESS AND IS ATTACHED
9 HERETO.)

10 MR. JORDAN: Did he say Exhibit A?

11 MR. McCORMACK: 8.

12 BY MR. McCORMACK:

13 Q. I'm handing you another picture.

14 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
15 WAS PASSED TO THE WITNESS.)

16 BY MR. McCORMACK:

17 Q. Is this the picture that you saw?

18 A. No, sir.

19 Q. In this picture you can see on the left
20 arm that bite wound, right?

21 A. Yes, sir.

22 Q. And do you see any bite wounds on the
23 right arm there?

24 A. No, sir.

25 Q. And none other than that one on his left

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1 forearm, right?

2 A. Yes, sir.

3 MR. McCORMACK: Mark that as Exhibit 9.

4 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
5 WAS MARKED AS EXHIBIT NO. 9 TO THE TESTIMONY OF THE
6 WITNESS AND IS ATTACHED HERETO.)

7 BY MR. McCORMACK:

8 Q. Just for clarification, Exhibit 9,
9 that's -- when you saw Mr. Goode in the hospital, he
10 wasn't in this position, was he?

11 MR. HUSKISON: Which time?

12 BY MR. McCORMACK:

13 Q. When you saw Mr. Goode, when you went to
14 the hospital, before he had passed away?

15 A. No, sir.

16 Q. He wasn't in that position?

17 A. No, sir.

18 Q. He was face down?

19 A. Yes, sir.

20 Q. Not face up. Okay.

21 Who is Carla Scallorn?

22 A. My wife.

23 Q. Current wife?

24 A. Yes.

25 Q. Did you talk to Ms. Scallorn at all about

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1 what happened to Mr. Goode?

2 A. I -- she's a police officer's wife. She
3 knows what happened but I didn't elaborate with her.

4 Q. Are you aware of any comments that she has
5 made about the case?

6 A. No.

7 Q. You're not aware of her making any posts
8 on Facebook about the case?

9 A. No, sir.

10 Q. Do you have a Facebook account?

11 A. Yes, sir.

12 Q. Do you have a YouTube account?

13 A. Yes, sir.

14 Q. Have you made any comments on Facebook
15 about this case?

16 A. No.

17 Q. Any on YouTube?

18 A. No.

19 Q. What is your Facebook -- your name is just
20 under Jason Scallorn?

21 A. (Witness nods head affirmatively.)

22 Q. And you still have access to that account?

23 A. Uh-huh (affirmative response).

24 Q. You would have no problem getting
25 materials from that account if they were requested

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1 of you?

2 A. No problem.

3 Q. Same thing with your YouTube account?

4 A. Yes, sir.

5 Q. Have you made any edits to your Facebook
6 page to sort of clean it up since you knew you were
7 a defendant in this case?

8 A. Not necessarily.

9 Q. When you say not necessarily, what do you
10 mean?

11 A. I don't understand what you mean, clean it
12 up.

13 Q. Have you removed any information that you
14 thought might look bad?

15 A. No, sir.

16 Q. Have you removed any information that you
17 thought might look bad from your YouTube account?

18 A. No, sir.

19 Q. Your YouTube account, you use that to look
20 at a lot of videos of people shooting guns, right?

21 A. Yes.

22 Q. Different kinds of guns, different tests
23 on guns?

24 A. Yes, sir.

25 Q. You didn't change anything on your YouTube

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1 page in order to keep it from being used as evidence
2 in this case?

3 A. No, sir.

4 Q. Have you made any changes on your YouTube
5 page since being named as a defendant in this case?

6 A. Not that I recall.

7 Q. Do you have any other social media
8 accounts?

9 A. Instagram.

10 Q. Instagram. Do you have any pictures on
11 Instagram that are related to this case?

12 A. No, sir.

13 Q. Are you able to comment on Instagram?

14 A. I believe so.

15 Q. You haven't made any comments on Instagram
16 related to this case?

17 A. No, sir.

18 Q. And just like with the other accounts, you
19 still have access to that, and if anything was
20 requested of it, you would still be able to get
21 that, right?

22 A. Yes, sir.

23 MR. HUSKISON: Subject to objection by
24 Counsel.

25 MR. McCORMACK: I'm sure there would be

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1 one.

2 BY MR. McCORMACK:

3 Q. I want to talk to you a little bit about
4 your training. We've gone through this a few times.
5 I'm going to try not to repeat any areas. This
6 might make it easier on some of my colleagues here.

7 You're not trained as a doctor, right?

8 A. No, sir.

9 Q. Are you trained as a cardiologist?

10 A. No, sir.

11 Q. Not trained as a nurse of any type?

12 A. No, sir.

13 Q. Don't have any training in emergency
14 medicine as it's practiced in an emergency room?

15 A. No, sir.

16 Q. I'm assuming you have some training in
17 first aid, right?

18 A. Very basic.

19 Q. But you wouldn't claim to be an expert on
20 any medical issues that a person may or may not
21 have --

22 A. No, sir.

23 Q. -- would you? Do you have any training on
24 the use of shackles?

25 A. No, sir.

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1 Q. Did the City of Southaven provide you with
2 any training on how to properly restrain a person?

3 A. No, sir.

4 Q. Are you aware of any policies or
5 procedures on how to properly restrain someone in
6 use at the Southaven Police Department?

7 A. No, sir.

8 Q. You said earlier that using the hogtie
9 restraint is something that you're allowed to do in
10 Southaven. Are you aware of any policy or procedure
11 that allows you to use that restraint?

12 A. No, sir.

13 Q. I'm going to hand you a copy of the arrest
14 procedures for the Southaven Police Department.

15 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
16 WAS PASSED TO THE WITNESS.)

17 A. Yes, sir.

18 BY MR. McCORMACK:

19 Q. You have seen this document before, right?

20 A. Yes, sir.

21 Q. This is a fair and accurate copy of
22 Section 6 of the Southaven policies and
23 procedures -- Southaven Police Department Policies
24 and Procedures?

25 A. Yes, sir.

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1 Q. If you could flip with me to Page 69,
2 Handcuffing. You were given this before you became
3 a police officer at the City of Southaven, right?

4 A. Yes, sir.

5 Q. And you were supposed to familiarize
6 yourself with it?

7 A. Yes, sir.

8 Q. And you're supposed to follow these
9 procedures?

10 A. Yes, sir.

11 Q. If you'll look with me at Section E, it
12 discusses approved positions for handcuffing a
13 suspect, right?

14 A. Yes, sir.

15 Q. Section F gives you additional points to
16 consider when handcuffs are utilized, right?

17 A. Yes, sir.

18 Q. And in Section F, there are actually
19 recommendations for what to do if you need to get
20 additional control beyond the handcuffs on the
21 suspect, right?

22 A. Yes, sir.

23 Q. Specifically in Section 6, you're advised
24 that you should -- that handcuffs can be placed
25 through the belt to prevent the hands from being

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1 looped under the body and brought to the front?

2 A. Yes, sir.

3 Q. That would be the arrestee's belt, right?

4 A. Yes.

5 Q. Where in this document does it say
6 anything about using shackles on a suspect?

7 A. It doesn't.

8 Q. It doesn't. Have you ever heard of anyone
9 being disciplined by the Southaven Police Department
10 for using shackles?

11 A. No, sir.

12 Q. Is it fair to say that -- well, actually,
13 let me ask it this way. How many times have you
14 used shackles on a suspect?

15 A. A couple. I don't recall exactly how many
16 times, not a lot, just a couple.

17 Q. Have you ever witnessed other officers
18 using shackles on a suspect?

19 A. Yes, sir, a couple times.

20 Q. Would it be fair to say that there is a --
21 an unspoken policy that you're allowed to use
22 shackles on a suspect?

23 MR. HUSKISON: Object to the form.

24 A. It's not unspoken. It's a way that --
25 it's kind of a last-ditch resort when there's --

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1 people fighting and kicking and there's no way to
2 safely control them, we have to do that.

3 Q. Have any of your supervisors ever advised
4 you that you're allowed to use shackles to control a
5 suspect?

6 A. Yes, sir.

7 Q. Who has advised you of that?

8 A. Nobody in particular, it's just, it's an
9 accepted method.

10 Q. Within the Southaven Police Department?

11 A. Yes, sir.

12 Q. Have you ever received any training on --

13 MR. MCCORMACK: Well, before we move on,
14 let's mark that as Exhibit 10. Thank you.

15 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
16 WAS MARKED AS EXHIBIT NO. 10 TO THE TESTIMONY OF THE
17 WITNESS AND IS ATTACHED HERETO.)

18 BY MR. MCCORMACK:

19 Q. Have you ever received any training on the
20 dangers of the hogtie restraint?

21 A. No, sir.

22 Q. That wasn't a part of your training at the
23 Law Enforcement Officers Training Academy?

24 A. If it was, I don't remember it.

25 Q. Did you receive any training from the City

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1 of Southaven Police Department on the use of the
2 hogtie restraint?

3 A. No, sir.

4 Q. Have you received any training from the
5 Southaven Police Department on the risk of
6 positional asphyxia from the hogtie restraint?

7 A. No, sir.

8 Q. Have you been advised by anyone within the
9 Southaven Police Department that there is a risk of
10 positional asphyxia?

11 A. No, sir.

12 Q. And that would be when using the hogtie
13 restraint?

14 A. Yes, sir.

15 Q. Have you received any training about the
16 dangers that could be caused to a suspect with
17 respiratory illnesses when placed in the hogtie
18 restraint?

19 A. No, sir.

20 Q. Have you received any training on the
21 dangers that could be caused to an intoxicated
22 person if they're placed in the hogtie restraint?

23 A. No, sir.

24 Q. Have you received any training about how
25 to speak to a jury?

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1 A. In the academy, just basic courtroom
2 testimony that I vaguely remember, that's about it.

3 Q. Have you ever received any training on how
4 to avoid civil liability as a police officer?

5 A. No, sir.

6 Q. That wasn't part of your course at the
7 training academy?

8 A. I don't -- if it was, I don't recall it.

9 Q. Before you came in for your deposition
10 today, what, if anything, did you do to prepare?

11 A. I had a meeting yesterday at the Southaven
12 Police Department with our attorney.

13 Q. Other than conversations with your
14 attorney, did you talk to anyone else about your
15 deposition here today?

16 A. No, sir.

17 Q. Did you tell your wife you were coming in
18 for a deposition?

19 A. Yes, sir.

20 Q. Did you tell your chief that you were
21 coming in for the deposition?

22 A. He's the one that emailed me and told me
23 the date.

24 Q. So did you have a conversation with him
25 about that?

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1 A. No, sir, just email.

2 Q. Did you review any materials to prepare?

3 A. Just what, yesterday, just what you guys
4 have shown me today.

5 Q. Were there any other materials that you
6 looked at to prepare for this deposition other than
7 materials that are already exhibits to your
8 deposition?

9 A. No, sir.

10 MR. MCCORMACK: All right. Mr. Scallorn,
11 that's all I've got for you, for right now. I'm
12 going to pass it along to the other attorneys in the
13 case.

14 THE WITNESS: Yes, sir.

15 MR. GASS: I've only got just one
16 question, or one topic.

17 EXAMINATION

18 BY MR. GASS:

19 Q. You're within the vicinity of Mr. Goode
20 out there in front of the Rancho Grande Restaurant?

21 A. Yes, sir.

22 Q. Are you with him in the transport to the
23 hospital?

24 A. No, sir.

25 Q. Are you with him at any time in the

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1 emergency room entrance area?

2 A. No, sir.

3 Q. Are you ever with him in the emergency
4 department examination area?

5 A. Briefly.

6 Q. And were you ever with him in any private
7 room, a decontamination room or a room designated
8 Room 9?

9 A. The decon room was the room I was
10 momentarily in with him.

11 Q. And that's before his death?

12 A. Yes, sir.

13 Q. So there's two periods of time where you
14 were with him?

15 A. (Witness nods head affirmatively.)

16 Q. Out there on the grassy area parking lot
17 in front of the restaurant, and for the brief time
18 in the decontamination room?

19 A. Yes, sir.

20 Q. Is it accurate to say that during all of
21 the times that you were with him, in those two
22 locations, you heard him yelling and screaming?

23 A. Yes, sir.

24 Q. Would it be accurate to say that if either
25 his position he was in, or his asthma was causing

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1 him any breathing problems at all, it would have
2 been impossible for him to be yelling and screaming
3 in the way you heard it?

4 MR. McCORMACK: Object to the form.

5 A. Yes, sir.

6 BY MR. GASS:

7 Q. And so that the jury gets a real feel, was
8 this soft yelling and screaming or loud?

9 A. Extremely loud. When I parked at the back
10 of the emergency room before I came in, I could hear
11 him screaming from the doors that you roll the
12 gurneys into, I could hear him screaming clearly
13 from there.

14 Q. And how far away would you have been at
15 that time?

16 A. It's on the other side of the ER, maybe 30
17 yards, 40 yards.

18 Q. And how many doors in between you and
19 where he was at that time?

20 A. Three. The two entrance doors to the ER,
21 then a room -- the door to the decon room would have
22 been three doors.

23 Q. Do you think you could get your voice up
24 to the screaming decibels that you heard him at both
25 of those locations?

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1 MR. McCORMACK: Object to the form.

2 A. I doubt it, I don't know.

3 BY MR. GASS:

4 Q. Would it be louder than you think you can
5 scream?

6 A. Yes, sir.

7 Q. Could you scream as loud as you can for us
8 on this video?

9 MR. McCORMACK: Object to the form.

10 BY MR. GASS:

11 Q. Go ahead.

12 A. (Witness screams.)

13 Q. And he was screaming louder than that?

14 A. Yes, sir.

15 Q. For you to do that just now, did you have
16 to take kind of a deep breath to do that?

17 A. Yes, sir.

18 Q. Did you ever see any indication in the two
19 areas where you observed Mr. Goode, that he ever had
20 trouble breathing?

21 A. No, sir.

22 Q. Did he ever express anything, I'm having
23 trouble breathing?

24 A. No, sir.

25 Q. The reports indicate that he was saying

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1 things that didn't make sense.

2 MR. McCORMACK: Object to the form of the
3 question.

4 A. Yes, sir.

5 BY MR. GASS:

6 Q. Did you hear that?

7 A. I never actually heard him verbalize any
8 words. He was just making -- making sounds.

9 Q. There are reports that say he was saying,
10 I don't know how to explode. Did you hear him say
11 that?

12 MR. McCORMACK: Object to the form of the
13 question.

14 A. I did not hear him say that.

15 MR. GASS: That's all I have. Thank you.

16 THE WITNESS: Yes, sir.

17 MR. UPCHURCH: Can I borrow that mic?
18 I'll come down here.

19 EXAMINATION

20 BY MR. UPCHURCH:

21 Q. Mr. Scallorn, my name is David Upchurch.
22 I introduced myself to you immediately prior to your
23 deposition. Our firm, by way of reminder,
24 represents the hospital, Baptist Memorial
25 Hospital-DeSoto, Inc. in this matter.

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1 I want follow-up with a few questions that
2 were asked by Mr. Gass. I don't want to in any way
3 be repetitive, but I want to explore with you the
4 two opportunities that you had to interact with
5 Mr. Goode.

6 I first want to make sure that we have an
7 accurate understanding of your interactions with him
8 and with his wife off of Goodman Road. And to do
9 that, let's look again, please sir, at Exhibit 3.

10 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
11 WAS PASSED TO THE WITNESS.)

12 A. Yes, sir.

13 BY MR. UPCHURCH:

14 Q. And I'll put that back in front of you.
15 And as a guide to our discussions, I want to look at
16 your Incident Supplement Report, which is marked as
17 Exhibit 5. You're welcome to view that.

18 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
19 WAS PASSED TO THE WITNESS.)

20 BY MR. UPCHURCH:

21 Q. And a copy of the memorandum that you
22 authored, which is exhibited to your deposition as
23 Exhibit 6.

24 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
25 WAS PASSED TO THE WITNESS.)

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1 BY MR. UPCHURCH:

2 Q. Again, I'll place those in front of you
3 just by way of reference, if you need them.

4 Do I understand from your prior testimony
5 that you were notified of Mr. Goode and this
6 incident by your dispatch?

7 A. Yes, sir.

8 Q. If you look at Exhibit 5, which is your
9 supplemental report, the first sentence of the
10 second paragraph I think addresses that call from
11 dispatch. Looking at that by way of reminder, what
12 were you informed by dispatch that Mr. Goode was
13 doing at the time?

14 MR. McCORMACK: Object to the form of the
15 question.

16 A. To the best of my recollection, it was a
17 9-1-1 call about a physical disturbance between a
18 male and a female. The male was acting irrational,
19 running through businesses, running from her, acting
20 irrational.

21 BY MR. UPCHURCH:

22 Q. And did you not report in your
23 supplemental report in the second paragraph that he
24 was running from the scene, west on Goodman Road?

25 A. Yes, sir.

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1 Q. All right, sir. Now, you then, as you
2 arrived on scene on Goodman Road, you report, and I
3 want to ask you, did you see Mr. Goode running
4 around in the lawn of the restaurant?

5 A. Yes, sir.

6 Q. Now, taking this -- I'm not sure that that
7 red pen will show up.

8 MR. McCORMACK: I might have a fine tip
9 here. That might make it easier to draw on there.

10 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
11 WAS PASSED TO THE WITNESS.)

12 THE WITNESS: Yes, sir.

13 MR. UPCHURCH: Thank you.

14 BY MR. UPCHURCH:

15 Q. Could you identify maybe from the rooftop
16 standpoint on Exhibit 3 where the Mexican restaurant
17 that we've been discussing is located?

18 A. Yes, sir, it's going to be approximately
19 right here. Right here is a Lenny's. Then right
20 here is the Mexican restaurant.

21 Q. All right, sir. Would you write Lenny's
22 above where that restaurant would be?

23 A. (Witness complies).

24 Q. And then the name of the Mexican
25 restaurant is?

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1 A. Rancho Grande.

2 Q. Rancho Grande. If you'll write that.

3 Now, could you identify for us on Exhibit
4 3, when you were driving up, or arriving at the
5 scene, where Mr. Goode was and what he was doing?

6 A. He was in this area where this X is. He
7 was running back and forth like that.

8 Q. All right, sir. Was he running back and
9 forth parallel to the road at that time?

10 A. Yes, sir.

11 Q. All right. So if we look at the X on
12 Exhibit 3, he was running -- what direction does
13 Goodman Road run?

14 A. This is a -- this is east towards Olive
15 Branch.

16 Q. All right, sir.

17 A. And that is back west towards Southaven.

18 Q. All right. Could you put an E on the east
19 side of that, and then a west on the west side. So
20 he was running east and west, back on -- parallel
21 with Goodman Road?

22 A. Yes, sir.

23 Q. When you arrived, did you note where his
24 wife, Ms. Kelli Goode was?

25 A. At first I didn't see her, but she was up

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1 here talking with Officer Baggett.

2 Q. All right. So she was in the area of the
3 parking lot where you've marked Exhibit 3 as TB?

4 A. Yes, sir.

5 Q. Looking at your memo, which is marked as
6 Exhibit 6, on the third paragraph there, you
7 indicate that you were advised that there was a
8 white male wearing a white shirt and khaki shorts.

9 Do you recall Mr. Goode, in fact, wearing
10 khaki shorts and a white shirt when you arrived? Do
11 you have any recollection of that?

12 A. I have no recollection of what he was
13 wearing.

14 Q. All right, sir. But in your memo, that's
15 the best recollection that you have, of information
16 you received from dispatch?

17 A. Yes, sir.

18 Q. All right, sir. When you say in your
19 incident report in the second paragraph that this
20 gentleman was running around in the front lawn, can
21 you describe that with greater particularity for us?
22 Was he -- was he sprinting, was he pacing, was he --
23 how do you describe it?

24 A. It was a little bit of everything. For
25 the brief time I saw it, it would be a sprint, then

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1 it would be a jog. Then he would -- I remember -- I
2 remember him like skipping, hopping and skipping one
3 time; just irrational.

4 Q. All right, sir. As we look at your
5 supplement report, you indicate that Mr. Goode came
6 towards you and you've told Mr. McCormack that?

7 A. Uh-huh (affirmative response).

8 Q. Correct? And at that time, you gave
9 Mr. Goode a loud verbal command to stop walking
10 towards you?

11 A. Yes, sir.

12 Q. Why did you give that command?

13 A. I didn't want him to get to me. If I
14 could make him lay down on the ground and be
15 compliant, then it would have been over with.

16 Q. All right, sir. And that gets to my
17 question. Did Mr. Goode comply with your demand for
18 him to one, stop coming towards you?

19 A. No, sir.

20 Q. Did he comply with your command for him to
21 get on the ground?

22 A. No, sir.

23 Q. Did he, in fact, disobey both of those
24 commands?

25 A. Yes, sir.

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1 Q. Now, looking at the third paragraph of
2 your supplemental report, this is after you get
3 control of your K-9 partner, did you then give
4 Mr. Goode another verbal command to lay down on the
5 ground?

6 A. Yes, sir.

7 Q. Why did you give that command?

8 A. Still trying to get control of him, still
9 trying to get him to comply.

10 Q. You remark in your memo that at times
11 the -- Mr. Goode was getting dangerously close to
12 Goodman Road. Did you have concerns at your
13 involvement with Mr. Goode on Goodman Road that he
14 presented a danger to himself in terms of going into
15 traffic on Goodman Road?

16 MR. McCORMACK: Object to the form of the
17 question.

18 A. Yes, sir, absolutely.

19 MR. UPCHURCH: Pardon?

20 MR. McCORMACK: Objection to the form.

21 BY MR. UPCHURCH:

22 Q. Did you form the opinion as one of the
23 police officers on the scene, that Mr. Goode
24 presented a danger to the public, in terms of the
25 traffic going back and forth on Goodman Road?

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1 MR. McCORMACK: Object to the form.

2 A. Yes, sir.

3 BY MR. UPCHURCH:

4 Q. Did you form an opinion as the on-site
5 police officer that Mr. Goode was presented a
6 potential danger to the people that would have been
7 in the parking lot area on Goodman Road?

8 MR. McCORMACK: Object to the form.

9 A. Yes, sir.

10 BY MR. UPCHURCH:

11 Q. Did you, after having control of your K-9,
12 give Mr. Goode a verbal command to lay down on the
13 ground?

14 A. Yes, sir.

15 Q. Did he, in fact, obey that command?

16 A. No, sir.

17 Q. He, in fact, disobeyed that command,
18 didn't he?

19 A. Yes, sir.

20 Q. You state in your report that you released
21 your K-9 partner in attempt to apprehend Mr. Goode
22 who was running into traffic -- to keep him from
23 running into traffic on Goodman Road.

24 If we look at Exhibit E, at the time you
25 released your K-9 partner, where was Mr. Goode

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1 running?

2 MR. McCORMACK: Object to the form of the
3 question.

4 A. Directly west from behind my truck, on the
5 edge of the road.

6 BY MR. UPCHURCH:

7 Q. All right, sir. So if we look at Exhibit
8 3, we go to the rear of your vehicle. Put an R at
9 the rear of that vehicle, please sir.

10 A. Yes, sir. (Witness complies).

11 Q. Okay. Maybe circle that R just to give
12 us a prominent display of that. And the F is in the
13 front, and so he was at the -- near the rear of your
14 vehicle running west, parallel with Goodman Road?

15 A. (Witness nods head affirmatively.)

16 Q. Again, can you describe his running, was
17 he just walking away from you, was he running, how
18 do you describe his pace?

19 A. When he left from behind my truck and
20 began running, that, I would say he was sprinting
21 then.

22 Q. All right, sir. Away from you?

23 A. Yes, sir.

24 Q. And disobeying a verbal command that you
25 had given?

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1 A. Yes, sir.

2 Q. Now, again, looking at your Supplemental
3 Incident Report and trying to understand the
4 timeline events, your dog -- K-9 partner apprehended
5 him. Mr. Goode strikes the dog, gets free from the
6 dog. And then as I understand it, he starts running
7 east?

8 A. (Witness nods head affirmatively.)

9 Q. Is that correct?

10 A. Yes, sir. Well, my K-9 partner made the
11 apprehension approximately in this area.

12 Q. All right. I want you, could you just,
13 maybe using this black marker, it may show up
14 better. Could you draw a circle where the K-9
15 apprehension occurred?

16 A. (Witness complies).

17 Q. All right. And that's the circle that's
18 in front of your initials, JS?

19 A. Yes.

20 Q. Let's put apprehend there, or
21 apprehension.

22 A. Write apprehension?

23 Q. Yeah.

24 MR. HUSKISON: Like for K-9.

25 MR. UPCHURCH: K-9 apprehension, that's

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1 better.

2 MR. McCORMACK: How about just K-9?

3 MR. UPCHURCH: How about just K-9?

4 A. K-9?

5 BY MR. UPCHURCH:

6 Q. K-9. That will work. All right. Now,
7 sir, if you could, from that area of the K-9
8 apprehension, if you could show us where Mr. Goode
9 went after he struck your partner.

10 A. At that time, when he struck Weasel, he
11 turned right here and started heading back east.

12 Q. All right, sir. Now, again, when he
13 turned and started heading back east, what was his
14 pace, was he running from you, sprinting from you,
15 how do you describe his?

16 A. He was running.

17 Q. All right, sir. And at the point that you
18 dislodged your taser, where would Mr. Goode have
19 been?

20 A. He was about 15 feet in front of me.

21 Q. Had he reached your vehicle?

22 A. No, sir.

23 Q. All right. So he was still on the east
24 side of your -- on the west side of your vehicle?

25 A. Yes. Or about parallel with it, just that

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1 area.

2 Q. All right, sir. And you've described the
3 events after the attempted tasing occurred and I
4 don't want to rehash those. But I want to ask this
5 to make sure our understanding is accurate. Your
6 fellow police officers attempted to apprehend
7 Mr. Goode after he fell following the attempted
8 tasing?

9 A. Yes, sir.

10 Q. Do I understand correctly that those
11 officers were able to restrain Mr. Goode's arms by
12 use of handcuffs?

13 A. Eventually. He was fighting for a while.

14 Q. All right. That's what I want to -- to
15 ask you.

16 Did Mr. Goode, in fact, resist the
17 attempts to apprehend him -- apprehend him from your
18 fellow officers?

19 A. Yes, sir.

20 Q. Were they ultimately able to secure his
21 arms and handcuffs behind his back?

22 A. After -- after a struggle, they were.

23 Q. All right, sir. How many officers did it
24 take to struggle with Mr. Goode to ultimately get
25 his hands handcuffed behind his back?

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1 A. That I recall, I believe it was three.

2 Q. All right, sir. Are you describing for us
3 Mr. Scallorn, that Mr. Goode was resisting with such
4 force and in such a way that it took three of your
5 colleagues to restrain him in handcuffs?

6 MR. McCORMACK: Object to the form.

7 A. Yes -- yes, sir.

8 BY MR. UPCHURCH:

9 Q. All right, sir. That's your testimony, is
10 it not?

11 A. Yes, sir.

12 MR. McCORMACK: Object to the form.

13 BY MR. UPCHURCH:

14 Q. Now, you've told Mr. McCormack that leg
15 restraints were also used. My question is, why?

16 A. Mr. Goode continued to kick, continued to
17 flail. When they originally handcuffed him behind
18 his back, he started rolling over. I guess you
19 would, for lack of a better term, like an alligator
20 roll, and started kicking and flailing and...

21 Q. All right, sir. Was he still screaming
22 out as well at this time?

23 A. Yes, sir.

24 Q. So we've got a subject who took three of
25 your colleagues to place handcuffs on. He's

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1 screaming, yelling, rolling, and kicking to such an
2 extent, am I correct, that your colleagues requested
3 leg restraints to try to get him appropriately
4 apprehended?

5 MR. McCORMACK: Object to the form of the
6 question.

7 A. Yes, sir.

8 BY MR. UPCHURCH:

9 Q. Look with me, please, sir, at Exhibit 6,
10 marked for your deposition. Looking on Page 14,
11 that first paragraph ends with: Due to the
12 subject's condition. Do you see that?

13 A. On the first paragraph?

14 Q. Yes, sir, ending about right there.

15 A. Yes, sir.

16 Q. All right. If you go up about six lines
17 from there, you write, quote: They were then able
18 to cuff the subject; however, he was still fighting
19 and being uncooperative.

20 That's what you just described for me and
21 the need for leg restraints, correct?

22 A. Yes.

23 MR. McCORMACK: Object to the form.

24 BY MR. UPCHURCH:

25 Q. When you were on Goodman Road, on scene,

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1 responding to the dispatch that you had received
2 regarding Mr. Goode, did Mr. Goode ever obey a
3 verbal command that you or any other officer gave
4 him?

5 A. No, sir.

6 Q. Did Mr. Goode continue to be uncooperative
7 until he was restrained in the four point restraint?

8 A. Yes, sir.

9 Q. Now, the next paragraph addresses your
10 communication with Ms. Goode, his wife.

11 A. Yes, sir.

12 Q. And I don't think that you were asked many
13 questions about that.

14 The communication that you and Ms. Kelli
15 Goode had occurred where, if we're looking at
16 Exhibit 3?

17 A. Approximately where TB is.

18 Q. All right. Looking at your report,
19 Exhibit 6, did Ms. Goode indicate to you, as
20 referenced on the third line of that report, that
21 Mr. Goode was, quote, out of his mind right now,
22 closed quote?

23 MR. McCORMACK: Object to the form of the
24 question.

25 A. Yes, sir.

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1 BY MR. UPCHURCH:

2 Q. Did you agree with that statement based
3 upon your observation of Mr. Goode?

4 A. Yes, sir.

5 Q. Did Ms. Goode indicate to you that he was,
6 quote, out of his mind, closed quote, due to
7 ingestion of illegal drugs?

8 A. Yes, sir, she told me he had taken LSD.

9 Q. All right, sir. Continuing to look at
10 your report, did Ms. Goode, in fact, apologize to
11 you for Mr. Goode's behavior?

12 A. Yes, sir, she did.

13 Q. Did she, in fact, indicate to you that she
14 understood the actions that the police officers had
15 to take with Mr. Goode because of his behavior?

16 A. She was upset, but she understood.

17 Q. All right, sir. Looking at the next
18 paragraph that you write, which takes us to -- well,
19 before I transition there, do you have an estimate
20 or a recollection, Mr. Scallorn, of the time that
21 elapsed between your arrival on Goodman Road when
22 you responded to the dispatch, and when Mr. Goode
23 was placed in the EMS for transport to the hospital?

24 A. Sir, I don't want to speculate on time. I
25 can tell you it wasn't long, but I don't want to

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1 speculate on time.

2 Q. All right, sir. Watching your watch
3 wasn't a priority?

4 A. No, sir, I was busy.

5 Q. Mr. Gass has asked you about your
6 recollections of seeing Mr. Goode in the
7 decontamination room, and I won't re-plow that
8 testimony. But you do mention in this paragraph
9 that Mr. Goode was, quote, thrashing around, closed
10 quote.

11 Was that based upon your observation of
12 him in the decontamination room?

13 MR. McCORMACK: Object to the form.

14 A. For the brief time I was in there, yes,
15 sir.

16 BY MR. UPCHURCH:

17 Q. All right, sir. Can you describe for us
18 what you mean by thrashing around, can you help us
19 understand that observation?

20 A. He was on a gurney in the four point
21 restraint. And he had thrashed and created such a
22 disturbance he had almost fallen off the gurney and
23 had to be pulled back on the gurney. And he was
24 making unintelligible noises, rambling, screaming;
25 couldn't stay in there.

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1 Q. All right, sir. You go on to state in the
2 next sentence that the subject was still in a much
3 heightened state of impairment and was still being
4 very aggressive. What do you mean by very
5 aggressive?

6 A. Just yelling and screaming. I remember --
7 I don't remember who the medical personnel were, but
8 people were saying, hey, Troy, trying to get his
9 attention. He would laugh, he would cry, he would
10 scream, he would spit, just -- all at the same time.

11 Q. All right, sir. When you were on scene
12 out at Goodman Road, do you ever recall Mr. Goode
13 calmly putting his hands up and saying I'll go or
14 I'll do whatever you all want me to do?

15 A. No, sir.

16 Q. That wasn't his behavior, was it?

17 A. Not at all.

18 Q. Thank you. That's all I have for you.

19 EXAMINATION

20 BY MR. JORDAN:

21 Q. Officer, my name is Trey Jordan, I have a
22 few questions.

23 A. Yes, sir.

24 Q. Again, these are going to be some
25 sequencing questions.

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1 MR. JORDAN: Let me get my microphone,
2 hold on one second.

3 BY MR. JORDAN:

4 Q. When you arrived on the scene, do you
5 recall when you first noticed Ms. Goode, Kelli
6 Goode?

7 A. I don't recall when I first noticed her.
8 I -- when I looked up, when I was looking at
9 Mr. Goode, like I'm looking at you, over the
10 shoulder I could see Officer Baggett talking to
11 somebody. I later found out that was Ms. Goode.

12 Q. Was she attempting to, when you arrived
13 and first made contact with Mr. Goode, was she
14 within, let's say, 25 feet of him, was she close to
15 him?

16 A. Maybe 25 yards, not feet.

17 Q. 25 yards. Was she attempting to engage in
18 any kind of communication with him that you could
19 see, swinging, hey, come back from Goodman Road?

20 A. Not that I saw.

21 Q. Just for the jurors, so they can
22 understand Goodman Road, describe that road for me.
23 Is it a two-lane road where you might have a car
24 going by every two or three minutes?

25 A. No, sir, it's a state highway. It's a

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1 four-lane divided by a turning lane, east and west.
2 It's the main corridor through DeSoto County. The
3 time of day that that was there, that road is
4 congested. We work tons of wrecks every day on that
5 road. It's a dangerous road.

6 This time it was on a Friday. It was
7 especially congested, because in proximity to where
8 the Snowden Grove Amphitheater was, the concert that
9 Mr. Goode was attending, Goodman Road is the only
10 way to get in to it, so it was extremely congested.

11 Q. So Goodman Road is the main access to
12 venue where this concert was occurring?

13 A. Yes, sir.

14 Q. It is one of the major thoroughfares
15 through the county, correct?

16 A. Yes, sir.

17 Q. Is it -- in the area where you first made
18 contact with Mr. Goode, is there a pedestrian
19 crosswalk there, is there a place where -- is there
20 something that would let vehicles to know to slow
21 down if someone ran into the road?

22 A. No, sir.

23 Q. Is this an area where it's controlled by a
24 traffic light in the proximity where you made an
25 encounter with him?

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1 A. There's not a traffic light, I'd say,
2 within three-quarters of a mile either direction.

3 Q. So the traffic is moving at this point?

4 A. Yes, sir.

5 Q. Can you tell me what the posted speed
6 limit is on that road?

7 A. 55 at that point.

8 Q. 55-mile-an-hour-road, major road, and this
9 is the one, the major thoroughfare in the county?

10 A. Yes, sir.

11 MR. McCORMACK: Object to the form.

12 BY MR. JORDAN:

13 Q. Have you ever worked any kind of -- let me
14 back up and ask: When you arrived at the scene, how
15 close, when you first observed Mr. Goode, was he to
16 the road? How close was he to entering that
17 roadway?

18 A. 15, 20 yards.

19 Q. 15 or 20 yards. And he was noncompliant
20 with your commands, correct?

21 A. Yes, sir.

22 MR. McCORMACK: Object to the form.

23 BY MR. JORDAN:

24 Q. You said he was zigzagging when you first
25 noticed his manner of walk?

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1 A. Yes, sir.

2 Q. In fact, you described earlier, I think,
3 that as he came toward you, when you first
4 encountered him or came towards your vehicle, he did
5 it kind of in a zigzagging manner; is that correct?

6 A. Yes, sir.

7 Q. When you first arrived and encountered
8 him, was this encounter before you had any
9 communication with Ms. Goode?

10 A. Yes, sir.

11 Q. Because she later told you that he had
12 taken acid, correct?

13 A. Yes, sir.

14 Q. But upon your first encounter, you didn't
15 know if you had a person who was under the influence
16 of alcohol, correct?

17 A. Yes, sir.

18 Q. Didn't know if he simply had a mental
19 incapacitation, correct?

20 A. Yes, sir.

21 Q. Didn't know if he was on heroine?

22 A. Correct.

23 Q. Didn't know if he was on crystal meth?

24 A. Correct.

25 Q. You had no idea who you were encountering

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1 at that time, correct?

2 A. No idea.

3 Q. You just knew you had a person coming
4 toward you, noncompliant, who you had been
5 dispatched on a 9-1-1 call, correct?

6 MR. McCORMACK: Object to the form.

7 A. Yes, sir.

8 BY MR. JORDAN:

9 Q. I want to make sure, and I want to break
10 down my question. You went there on a 9-1-1 call,
11 correct?

12 A. Yes, sir.

13 Q. To your knowledge, that is why you were
14 dispatched?

15 A. Yes, sir.

16 Q. And, again, the nature of the 9-1-1 call
17 you got from dispatch described the event you were
18 responding to as what?

19 A. A white male in a physical disturbance
20 with his wife, acting erratically, running in and
21 out of businesses in the area, running through the
22 parking lot.

23 Q. So when you arrive at the scene, you had
24 at least -- whether it's true or not, you have been
25 advised by dispatch that there has been an

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1 altercation where a male has potentially assaulted a
2 female, correct?

3 MR. McCORMACK: Object to the form of the
4 question.

5 A. Yes, sir.

6 BY MR. JORDAN:

7 Q. An altercation, that's what you were
8 advised of?

9 A. Yes, sir.

10 Q. All right. So you are now on scene. You
11 are being approached by a person who is
12 non-compliant, correct?

13 A. Yes, sir.

14 Q. Who at least you have been advised has
15 potentially attacked a female, correct?

16 MR. McCORMACK: Object to the form.

17 A. Yes, sir.

18 BY MR. JORDAN:

19 Q. All right. So you get there. And he, you
20 said you see him about 15 yards from Goodman Road,
21 correct?

22 A. Yes, sir.

23 Q. And he approaches you in a zigzag manner.
24 Do you recall, and you may have said this already,
25 but I want to make sure I understand. What was

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1 your -- you first tried to engage him with just
2 conversation, correct?

3 A. Yes, sir.

4 Q. And is that to try to de-escalate the
5 situation?

6 A. It's to -- it's an attempt to de-escalate
7 to see if I can get his attention on me, then, you
8 know, whatever he wants to do with me, that's fine.
9 If he can focus on me, he's not running out in the
10 road, he's not assaulting somebody else. If he
11 wants to come to me and talk, we can talk. If he
12 wants to come to me and, whatever, but it's me and
13 not the citizens.

14 Q. Because your goal is to not only protect
15 the citizens --

16 A. Right.

17 Q. -- but protect him?

18 A. Yes.

19 Q. You told him, come here. Come to me, come
20 away from the road. Come see me, right?

21 A. Yes, sir.

22 Q. That's what your thought was when you
23 arrived?

24 A. Yes, sir.

25 Q. So now he's coming towards you. And

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1 instead of continuing towards you then, what does he
2 do?

3 A. He kept coming, and I -- I was verbally
4 escalating when he wasn't complying. And when he
5 got close to my truck, I said, lay down on the
6 ground, I have a dog, don't come any closer. At
7 this point I started getting nervous. It's not
8 natural to walk up like that.

9 Q. And when you say you get nervous, as
10 someone comes closer and closer to you, that limits
11 what your options are; is that accurate?

12 A. If you tell -- yes, sir. If you tell
13 somebody, hey, you mind if I speak with you, sir,
14 and they walk over to you and you have a consensual
15 conversation, that's one thing. But when you're
16 giving commands to somebody to stop, and they're
17 being defiant and coming at you and staring at you,
18 that makes you nervous.

19 Q. Because as a suspect or an individual gets
20 closer to you, then at that point you have to worry
21 about things like knives, him actually grabbing you,
22 correct?

23 MR. McCORMACK: Object to the form.

24 A. Yes, sir.

25 BY MR. JORDAN:

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1 Q. Is that a yes? Tell me this: Do officers
2 get killed with their own firearms?

3 MR. McCORMACK: Object to the form of the
4 question.

5 BY MR. JORDAN:

6 Q. When they get taken away from officers?

7 A. Absolutely.

8 Q. And is that one of the reasons why you
9 want to keep people basically away from your space?

10 A. Yes, sir.

11 Q. Because if somebody gets in a physical
12 altercation with you, from your experience as a
13 patrol officer, I think you said you're now a
14 supervising patrol officer, correct?

15 A. Yes, sir.

16 Q. Is that one of the things that officers
17 are fearful of, somebody gets too close is that they
18 actually get in a physical altercation and have
19 their own gun taken?

20 A. We teach officers, there's the thing we
21 call the reactionary gap, and it's called that
22 because you can only react at a certain point. You
23 let somebody get too close in, things go bad.

24 Q. And, in fact, when someone gets closer in
25 to you, does that start limiting your ability to do

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1 anything other than go to a quicker escalation of
2 lethal force?

3 A. Yes, sir.

4 Q. Whereas, if somebody is further away from
5 you, you might have the option to taser, the dog,
6 you have -- the further away from you, the more
7 options you have; is that accurate?

8 A. Yes, sir.

9 Q. So now he comes up, and then he diverts
10 from you and decides to let the dog out, correct?

11 A. Yes, sir.

12 MR. McCORMACK: Object to the form.

13 BY MR. JORDAN:

14 Q. Did you instruct him to let the dog out?

15 A. No, sir.

16 Q. Did he say anything to give you any
17 warning that he was going to let the dog out?

18 A. No, sir.

19 Q. So the dog gets out. Now, where are you
20 positioned with regard to the vehicle when he opens
21 the door?

22 A. My vehicle is a Tahoe. The hatchback on
23 the Tahoe, I'm standing on that side facing him.
24 Like, if this is the back of my vehicle, and you're
25 Mr. Goode, I'm standing like, my Tahoe's right here.

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1 Q. And are you using the vehicle at that
2 point to shield you?

3 A. I'm using it more to shield him.

4 Q. Okay. And so when he opens the door, do
5 you have a view that's obscured, relative to seeing
6 the direct action between him and the dog?

7 A. Yes, sir.

8 Q. What obscured your view?

9 A. Well, he opened -- like, I'm standing at
10 the back of the Tahoe and the door is right here.
11 When he opened the door, he was kind of leaned in,
12 and when he opened the door, I leaned over and
13 looked, and I heard a chomp, but I couldn't see
14 nothing.

15 Q. And when you heard the chomp, that's the
16 dog, you think -- you heard the dog's jaws clamp
17 shut, but it could have been on his shirt, we don't
18 know what he chomped on?

19 A. Yes, sir.

20 Q. So then the dog gets out of the vehicle?

21 A. Yes, sir.

22 Q. From the time you first encountered him
23 and I mean, laid eyes on him, until the time that he
24 opened the door for the dog to get out, and I know
25 you -- I'm not asking you to speculate, but can you

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1 give me a range of time that might have elapsed?

2 A. 30, 45 seconds.

3 Q. So from the time you're on scene, first
4 see him, to the time he's opening the door to let
5 your dog out, 30 to 45 seconds?

6 A. Yes, sir.

7 Q. So the dog gets out. And then, again,
8 tell me what's the next event happened?

9 A. When he opened the door, and the dog came
10 out, I left from behind the Tahoe to go get my dog
11 because I didn't want -- I had to get him. I got
12 him. Well, at that time, Mr. Goode came and stood
13 where I was standing at the Tahoe, at the place
14 where I was trying to keep him from getting to, and
15 I started giving him orders to lay down on the
16 ground.

17 Q. And you've got the dog by the collar at
18 this time?

19 A. Yes, sir.

20 Q. And you don't have your lead out?

21 A. No, sir.

22 Q. You've just got the collar. Because he
23 let the dog out. You weren't planning on him being
24 out at that time?

25 A. I didn't plan on letting him out.

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1 Q. So now -- are you yelling at him at this
2 point?

3 A. Yes.

4 Q. Are you screaming commands?

5 A. I'm not screaming, per se, but I am giving
6 very loud, very clear, dominating commands. I am
7 telling him, you will lay down on the ground. You
8 will comply.

9 Q. Now, at this point, has Ms. Goode come up
10 to you and said, hey, look, my husband's on acid or
11 anything like that, or is she still away from you?

12 A. I hadn't spoken to her at this point.

13 Q. Had you even heard her say anything at
14 this point?

15 A. No, sir.

16 Q. Do you hear her screaming at her husband
17 at this point?

18 A. No, sir.

19 Q. Do you see her coming anywhere, let's say
20 within 10 feet?

21 A. No, sir.

22 Q. All right. So you're now yelling for him
23 to get on the ground. Does he comply?

24 A. No, sir.

25 Q. What happens then?

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1 A. He laughed at me. And then he took off
2 running west down Goodman Road on the shoulder of
3 the road.

4 Q. And this is where I think you said, at
5 this point you make the decision to release the dog?

6 A. Yes, sir.

7 Q. Now, I want talk about -- I want to make
8 sure I understand the difference between an
9 apprehension and an attack, okay? You -- police
10 dogs are used to apprehend people, correct?

11 A. Yes, sir.

12 Q. The police dogs aren't used to -- the
13 word, I think, attack has been used. But the dogs
14 are meant to stop a fleeing suspect, for example,
15 correct?

16 MR. McCORMACK: Object to the form.

17 A. Yes, sir, they're made to apprehend.

18 BY MR. JORDAN:

19 Q. And when they apprehend someone, that can
20 be by grabbing a piece of clothing and pulling them
21 down. It may actually, I think Mr. Goode had a bite
22 on his arm, but it may be a matter of biting his arm
23 as well, correct?

24 A. Yes.

25 MR. McCORMACK: Object to the form.

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1 BY MR. JORDAN:

2 Q. But the purpose of the dog, in this case,
3 is to stop the suspect from fleeing, correct?

4 A. Yes, sir.

5 Q. Now at this point, were you concerned for
6 Mr. Goode's welfare?

7 A. Absolutely.

8 Q. Because where was he, again, at this point
9 in proximity to Goodman Road?

10 A. Maybe five yards.

11 Q. Okay. So now since your encounter, he's
12 moved from 15 yards from Goodman Road, now he's 5
13 yards from Goodman Road?

14 A. Yes, sir.

15 Q. And this is a person who's not obeying
16 your commands?

17 A. Correct.

18 MR. McCORMACK: Object to the form.

19 BY MR. JORDAN:

20 Q. Well, was he obeying your commands at this
21 point?

22 A. No, sir.

23 Q. So the dog -- when the dog finally was
24 able to reach him and engage with him, how far away
25 were you from Mr. Goode at that point?

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1 A. I'd say 25 yards.

2 Q. And he's running, so the dog was able to
3 catch up to him?

4 A. Yes, sir.

5 Q. I assume the dog is faster than you, me,
6 and Mr. Goode?

7 A. He's fast.

8 Q. All right. Now, so that the jury
9 understands about the training of these dogs, these
10 dogs when they're trained, it is not infrequent,
11 would you agree, that when they encounter a suspect,
12 that the suspect will often hit the dog, kick the
13 dog, I mean, these dogs get some rough treatment,
14 correct?

15 A. Yes, sir.

16 Q. Now, just so that I can understand, you
17 have been with this dog -- you have been, and it's
18 Wessel, I know everybody's calling him Weasel, but
19 it's Wessel, correct?

20 A. Yes, sir.

21 Q. What kind of dog is Wessel?

22 A. A Belgian Malinois.

23 Q. And that's one of the dogs, along with
24 German Shepherds, that's one of the dogs standardly
25 used by police departments, correct?

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1 A. That's correct.

2 Q. Had you seen Wessel previously hit, you
3 know, had been kicked by suspects before that he was
4 trying to help apprehend?

5 A. I had made a couple of apprehensions prior
6 to that date. I remember one of them did hit him.
7 But it was more of a slap and not a hit.

8 Q. And did he remain engaged?

9 A. Yes, sir.

10 Q. Because that's what I want to ask you.
11 Mr. Goode hit this trained police dog hard enough
12 that the dog disengaged, correct?

13 A. Yes, sir.

14 MR. McCORMACK: Object to the form.

15 BY MR. JORDAN:

16 Q. Well, when he was hit, did he -- when
17 Mr. Goode hit this dog, did the dog disengage?

18 MR. McCORMACK: Object to the form.

19 A. Yes, sir, he did.

20 BY MR. JORDAN:

21 Q. Where did the dog get hit, in the head?

22 A. In the nose, the snout.

23 Q. Now, typically, even when a police dog is
24 trained, K-9 unit disengages, it's brief, and the
25 dog will usually re-engage, correct?

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1 A. Yes, sir.

2 Q. For the dog to remain disengaged, the blow
3 that dog would have had to have received would have
4 been a substantial blow, correct?

5 MR. McCORMACK: Object to the form.

6 A. Yes, sir.

7 BY MR. JORDAN:

8 Q. Because those dogs, in their training, are
9 trained to re-engage, even after they let off from
10 the initial contact with the fleeing suspect,
11 correct?

12 A. When I got -- when I got up to Weasel, we
13 have a saying, it's go find daddy. Like when they
14 come out of the car, go find, you know, Wessel came
15 to me and would not leave my side.

16 Q. So basically this dog that's trained to be
17 there to help you, was looking to you for help?

18 A. Yes, sir.

19 Q. And he would not, he would not even -- he
20 came and stayed by you?

21 A. Yes, sir.

22 Q. And he would not again approach Mr. Goode;
23 is that accurate?

24 A. Yes, sir, I could tell my dog was hurt.

25 Q. So now we have a K-9 that's been -- is it

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1 fair to say that after he had been struck in the
2 nose area by Mr. Goode, that your K-9 at that point
3 was incapacitated?

4 A. Yes, sir.

5 MR. McCORMACK: Object to the form.

6 BY MR. JORDAN:

7 Q. Do you view him to be a partner with you,
8 able to help continue with the effort to apprehend
9 Mr. Goode after Mr. Goode had struck the dog?

10 A. My dog is never a hindrance to me, but at
11 that moment in time, he became a hindrance because
12 now I'm worried about Mr. Goode. I'm worried about
13 my dog, and a lot is going on at one time. So the
14 dog became a hindrance at that point.

15 Q. Is a dog, is a police dog actually
16 considered to be equipment, or what do you consider
17 a police dog?

18 A. City Hall will tell you it's a piece of
19 equipment. My family will tell you it's a member of
20 our family.

21 Q. So this dog, after the blow, was rendered
22 ineffective to assist you in helping subdue
23 Mr. Goode; is that accurate?

24 MR. McCORMACK: Object to the form of the
25 question.

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1 A. Yes.

2 BY MR. JORDAN:

3 Q. So now you have a dog that's incapacitated
4 and Mr. Goode, is he still fleeing down Goodman?

5 A. Yes, sir.

6 Q. And at this point you decided to deploy
7 the taser?

8 A. Yes, sir.

9 Q. And the taser, when you -- let's explain a
10 little bit so I can understand and the jury can too.
11 A taser is a nonlethal option for an officer; is
12 that accurate?

13 A. Yes, sir.

14 Q. And it's deployed by firing two barbs that
15 have lead wires on them, correct?

16 A. Yes, sir.

17 Q. And for the weapon, the item, the object
18 to be effective, both barbs have to make contact, go
19 through the clothing and actually hit the skin,
20 correct?

21 A. Yes, sir.

22 Q. If one barb does not do that, then a
23 charge cannot be delivered by the taser, correct?

24 A. That's correct.

25 Q. In this case when you fired, do you

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1 believe that one or both barbs failed to engage?

2 A. I saw one fly off to the right. And
3 that's the one that I got caught up in my leg.

4 Q. And so that we can be clear then, this
5 isn't a situation where you might fire a taser at
6 somebody and one goes through the shirt but the
7 other, like, hits a backpack or something. You
8 actually saw one of the prongs and the trail wire go
9 off and not even make contact with any part of
10 Mr. Goode, correct?

11 A. Yes, sir.

12 Q. And at that point, is the taser able to
13 deliver a charge?

14 A. No, sir.

15 Q. All right. Now you talk about the wires,
16 these are the wires that's unspooled from the taser,
17 correct?

18 A. Yes, sir.

19 Q. And you say you actually got tangled up in
20 one?

21 A. Yes, sir.

22 Q. And did Mr. Goode get tangled up, you
23 think?

24 A. Yes, sir.

25 Q. And is that what you believe caused him to

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1 trip?

2 A. Yes, sir.

3 Q. So now he's tripped and he's on the
4 ground?

5 A. Yes, sir.

6 Q. At this point, have you had any contact
7 with Ms. Goode?

8 A. No, sir.

9 Q. Is she up in this area?

10 A. I didn't see her.

11 Q. Is she telling you what her husband is on,
12 or that he's on any kind of drugs at this point?

13 A. I didn't see her.

14 Q. When he is on the ground, is that when the
15 other officers actually come into his proximity?

16 A. Yes, sir. As soon as he tripped and he
17 hit the ground, because I'm running, but it's --
18 best I can because I have Wessel with me. I don't
19 have my leash yet, so I'm trying to run with this
20 Malinois, hanging onto his collar. And we came
21 around. Like, Mr. Goode fell, and we came around.
22 At that time, the officers came and they started to
23 struggle with him.

24 Q. And you never had any part of trying to
25 handcuff him, correct?

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1 A. No, sir.

2 Q. You, at that point when he was on the
3 ground trying to be cuffed, you took Wessel back to
4 your vehicle?

5 A. Yes, sir.

6 Q. And then you actually had to return a
7 second time to your vehicle to get the leg
8 restraints, correct?

9 A. Yes, sir. I took Wessel back to my
10 vehicle, just briefly, just made sure his nose
11 wasn't bleeding. Shut the door, ran back up to the
12 scene, and that's when Officer Bond said I need some
13 shackles. So I ran back to my truck, got the
14 shackles and came back, gave them to him.

15 Q. And the entirety of the time that -- let
16 me ask you, from your observations, at any time that
17 the other officers were attempting to cuff
18 Mr. Goode, was he ever compliant?

19 A. No, sir.

20 Q. Did he ever say, I give up, I surrender?

21 A. No, sir.

22 Q. At any time you ever encountered
23 Mr. Goode, did he ever put his hands up and say, I
24 submit, or give any indication or say anything that
25 would indicate that he was agreeing to be taken into

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1 custody?

2 MR. McCORMACK: Object to the form of the
3 question. You may answer.

4 A. Not at all, no, sir.

5 BY MR. JORDAN:

6 Q. At what -- how long after you arrived at
7 the scene -- let me give you a range of time. How
8 long after you arrived at the scene, did you have
9 initial communication with Ms. Goode?

10 A. Like I say, I don't want to speculate on
11 time, but it was -- after I gave Officer Bond the
12 shackles, that's when I went up and began to speak
13 with her.

14 Q. Was he -- was he still on the ground when
15 you initiated the contact with her?

16 A. Yes.

17 Q. When he told you -- did she say that he
18 was on acid, on LSD, do you remember what she said
19 specifically? Same thing, but I'm asking how she
20 described it.

21 A. He had taken LSD at the Widespread Panic
22 concert at the Snowden Grove Amphitheater.

23 Q. Did she tell you how much he had taken?

24 A. I don't recall. She said a few hits, I
25 don't know what that --

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1 Q. Did she tell you what kind of acid he had
2 taken, the method of delivery, being on blotter
3 paper, liquid acid, on his skin, on his tongue, any
4 idea?

5 A. No, sir.

6 Q. Would that information had been helpful to
7 you to know the amount of acid he consumed? Would
8 you have wanted to know that?

9 A. It would have been nice to know.

10 Q. Is that something that would have -- that
11 you would have included in your report if she had
12 told you how much specifically he had taken?

13 A. Yes, sir.

14 Q. Or the type that he had taken?

15 A. Yes, sir.

16 Q. I think you were asked this earlier, but I
17 want to make sure. Did she ever indicate that he
18 had any health problems at all?

19 A. No, sir.

20 Q. Any issue with asthma?

21 A. No, sir.

22 Q. You were asked multiple questions about --
23 when we started today by Counsel who thoroughly went
24 over the obligations, duties and responsibilities of
25 police officers. Do you remember those?

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1 A. Yes, sir.

2 Q. As a police officer, do you have an
3 obligation and responsibility to protect the general
4 public from a suspect?

5 A. Yes, sir, I do.

6 Q. When the suspect is resisting arrest, do
7 you have an obligation to protect the general public
8 from the suspect that might be a danger to others?

9 A. Absolutely.

10 Q. Is that what handcuffs -- or is that one
11 reason you have handcuffs, to protect you the
12 officer, the suspect and the general public?

13 A. Yes, sir.

14 Q. Are handcuffs -- I think your policy says
15 that, but for someone who's under arrest, they are
16 by policy supposed to be cuffed, correct?

17 A. Yes, sir.

18 Q. If Mr. Goode had not been trying to kick
19 at the officers, physically use his feet to harm
20 himself or the officers, would he have been put in
21 leg restraints?

22 MR. McCORMACK: Object to the form of the
23 question.

24 A. A four point restraint is the last tool we
25 have in the toolbox. That's the last-ditch effort.

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1 BY MR. JORDAN:

2 Q. Last-ditch effort for what?

3 A. To gain compliance and restrain them from
4 hurting themselves or other people.

5 Q. Have you been kicked before?

6 A. Absolutely.

7 Q. Have you been kicked by a handcuffed
8 suspect before?

9 A. Yes, sir.

10 Q. How many times has that happened to you?

11 A. It's not regular, it goes in spurts. But
12 I can tell you, when you work a night shift and you
13 deal with intoxicated people, you deal with people
14 who are high on drugs, angry people. I've been
15 kicked, I've been spit on, I've been head-butted,
16 all this by handcuffed people.

17 Q. When you went to the hospital and
18 encountered, I think you said the room is called the
19 detox room; is that correct?

20 A. Decon is how it was referred to me.

21 Q. Decon room. At that point, had Mr. Goode
22 given any indication that he was going to be any
23 more compliant than the first time you encountered
24 him?

25 A. No, sir.

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1 Q. Those are my questions. Have you
2 understood my questions I've asked you?

3 A. Yes, sir.

4 MR. JORDAN: I have no further questions.

5 MR. HUSKISON: Is that everybody? I'm
6 going to follow-up just a few. And this is Berk
7 Huskison who represents Southaven.

8 EXAMINATION

9 BY MR. HUSKISON:

10 Q. You mentioned the command that you give
11 your dog. What is the word you used?

12 A. It's dutch, it's stellin.

13 Q. Okay. And you spelled that earlier for
14 her?

15 A. Yes, sir.

16 Q. What does that command, what does it mean?

17 A. The command, the way we train the dogs is
18 through association. And when the dog is in
19 training, when he's taught to apprehend the decoy in
20 the bite suit, you give him the command over and
21 over again as stellin, so when the dog hears
22 stellin, he associates, hey, I'm supposed to go
23 apprehend this.

24 Q. So basically it's telling the dog to
25 apprehend?

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1 A. Yes, sir.

2 Q. Now, Mr. McCormack asked you some
3 questions about responses to requests for
4 admissions. And I think some of the questions you
5 talked about, did -- did you command the dog to
6 physically attack? I think in some of them you said
7 did you command the dog to attack; physical use
8 sometime, attack use sometime.

9 When you commanded the dog to go
10 apprehend, what were you telling the dog to do?

11 A. Stellin, go apprehend.

12 Q. And you at no time intended for the dog to
13 physically harm Mr. Goode, did you?

14 MR. McCORMACK: Object to the form of the
15 question.

16 A. An apprehension is based on the suspect's
17 act, much like a use of force is based on the
18 actions of a suspect. If Mr. Goode would have
19 stopped and complied, he would not have been
20 apprehended by the K-9.

21 BY MR. HUSKISON:

22 Q. Okay. Now, Mr. McCormack asked you a
23 little bit about your training.

24 A. Yes, sir.

25 Q. To be a police officer, what is the

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1 initial training that you go through?

2 A. Now it's 12 weeks at the Mississippi Law
3 Enforcement Officers Academy in Jackson.

4 Q. And when you went through, do you remember
5 when that was?

6 A. 2000.

7 Q. 2000? How long was that training then?

8 A. Ten weeks.

9 Q. When you're at that training, do you do
10 things like go over, at least study how to arrest
11 people and how to handle situations?

12 A. Yes, sir.

13 Q. That's part of what you're trained to do,
14 isn't it?

15 A. Yes, sir.

16 Q. Now, as part of your ongoing training,
17 what are officers required to do, anything yearly?

18 A. The State has requirement for an
19 in-service, if you will, type training. We have to
20 accrue so many hours of continuing education each
21 year.

22 Q. And had you done that?

23 A. Yes, sir.

24 Q. Up until the date of this incident?

25 A. Yes, sir.

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1 Q. Have you done that since?

2 A. Yes, sir.

3 Q. Met your minimum requirements?

4 A. Yes, sir.

5 Q. Now, the other aspect, had you had any
6 specific training on the use of a taser?

7 A. Yes, sir.

8 Q. Okay. And had you had any specific
9 training on having -- having a dog?

10 A. Yes, sir.

11 Q. Okay. And how much training -- what kind
12 of training do you get on K-9s?

13 A. You start off with a basic class, which is
14 400 hours. It's about three months long.

15 Q. Okay.

16 A. Then after that, our training group, in
17 DeSoto County we train with the DeSoto County
18 Sheriff's Department, the Horn Lake Police
19 department. Some of these guys have master trainers
20 who have gone and got these certifications and every
21 Wednesday we train from 8 to 12 hours on K-9.

22 Q. And that's what you had been doing?

23 A. Yes, sir.

24 MR. HUSKISON: That's all the questions I
25 have.

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1 MR. McCORMACK: I have some follow-up on
2 that.

3 MR. GASS: Yeah, I have some more, but do
4 you want us -- do you want me to go first or do you
5 want to go first?

6 MR. McCORMACK: You can go two first if
7 you'd like. I have no problem with that.

8 MR. HUSKISON: Let's get a mic over,
9 though.

10 FURTHER EXAMINATION

11 BY MR. GASS:

12 Q. Officer, I would like to go, first, to
13 that Mr. Goode went over to the car or the truck and
14 opened the door.

15 A. Yes, sir.

16 Q. Okay. Tell me if I'm exaggerating or not.

17 Your worst fear of what Mr. Goode could
18 have done out there that day in a totally additional
19 dimension of danger, beyond running around in a
20 parking lot or on the grass, or even running out
21 onto the street, would it be an exaggeration to say
22 that the worse risk would be that if he got into a
23 car and got behind the wheel and then took off in
24 his condition?

25 MR. McCORMACK: Object to the form of the

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1 question.

2 A. Without a doubt, that's worse case
3 scenario.

4 BY MR. GASS:

5 Q. And did you hear or learn of anything --
6 strike that.

7 And if he got into a car, let's say with
8 his wife, and she was driving, and he was just a
9 passenger in the condition that you saw him in, was
10 that a danger?

11 A. Absolutely.

12 MR. McCORMACK: Object to the form.

13 BY MR. GASS:

14 Q. Did you ever hear that before they
15 actually got into the parking lot and got out of the
16 car, that as they were driving down Goodman, that
17 they were weaving in and off the road, driving
18 erratically?

19 MR. McCORMACK: Object to the form of the
20 question.

21 A. I haven't heard that.

22 BY MR. GASS:

23 Q. Would it surprise you at all?

24 A. No, sir.

25 Q. Seeing his condition and if he was just a

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1 passenger, it would not surprise you if while she
2 was driving him from the -- the --

3 A. Arena.

4 Q. -- the arena over to this area, that that
5 would have occurred?

6 MR. McCORMACK: Object to the form.

7 A. That wouldn't surprise me.

8 BY MR. GASS:

9 Q. Now another risk, there were people that
10 were pulling into that parking lot while this was
11 going on, right?

12 A. Yes, sir.

13 Q. She was following him around, correct?

14 A. Yes, sir.

15 Q. They were focused on -- she was focused on
16 him and not on the traffic?

17 A. Yes, sir.

18 Q. Did they run a risk of being hit by cars?

19 A. I believe so.

20 Q. And if he got out onto the road, that
21 55-mile-an-hour four-lane road, he would run a risk
22 of being injured. Do I have that right?

23 MR. McCORMACK: Object to the form.

24 A. Absolutely.

25 BY MR. GASS:

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1 Q. But beyond that, if somebody tried to
2 avoid a guy out there out of his mind, to use her
3 words, and a motorist tried to avoid him, what other
4 risks then are there?

5 A. You had the risk of --

6 MR. McCORMACK: Object to the form of the
7 question.

8 A. -- other people, innocent people being
9 injured in a motor vehicle accident.

10 BY MR. GASS:

11 Q. The scenario where there's trucks, right?

12 A. Yes, sir.

13 Q. Big trucks, right?

14 A. Yes, sir.

15 Q. A big 18-wheeler hitting a small
16 Volkswagon with a family with a couple of kids in
17 it?

18 MR. McCORMACK: Object to the form of the
19 question.

20 BY MR. GASS:

21 Q. Would that be a worse case scenario --

22 MR. McCORMACK: Object to the form.

23 BY MR. GASS:

24 Q. -- caused by a guy out of his mind, out
25 running down that road?

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1 A. Yes, sir.

2 MR. McCORMACK: Again, objection to the
3 form of that.

4 BY MR. GASS:

5 Q. I understand there's some possibility that
6 he was throwing things at her, or she was throwing
7 things at him. Did you see anything like that?

8 A. No, sir.

9 Q. Hear anything like that?

10 A. No, sir.

11 MR. GASS: Thank you, Officer.

12 THE WITNESS: Yes, sir.

13 FURTHER EXAMINATION

14 BY MR. McCORMACK:

15 Q. All right. Officer Scallorn, you've been
16 asked a lot of questions about your dog by a few of
17 the other attorneys here. I want to talk to you a
18 little bit more about that. How big is Wessel?

19 A. He's -- he fluctuates. Summer weight is
20 usually around 70; winter weight is around 75.

21 Q. It's a big dog?

22 A. Yes, sir.

23 Q. And again, we've talked about his
24 training. He's well-trained about how to make an
25 apprehension, right?

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1 A. Yes, sir.

2 Q. He does it forcefully, doesn't he?

3 A. No.

4 Q. He does it in such a manner as to actually
5 apprehend a suspect?

6 A. Yes, sir.

7 Q. And we've already talked about the
8 obedience training he received at some length,
9 right?

10 A. Yes, sir.

11 Q. Once he returned to you, and you got back
12 control of him after he bit Troy Goode, did you ever
13 give him another command to attack?

14 A. No, sir.

15 Q. You mentioned earlier, you said you didn't
16 plan to let the dog out. When you arrived on the
17 scene your back door was locked, wasn't it?

18 A. Yes, sir.

19 Q. You had to unlock it for the dog to get
20 out, right?

21 A. Yes, sir.

22 Q. So in the 30 seconds or so that -- you
23 said 30 to 45 seconds between the time you arrived
24 and that door was opened, right?

25 A. Uh-huh (affirmative response).

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1 Q. So in those 30 to 45 seconds, you unlocked
2 that door, correct?

3 A. Yes, sir.

4 Q. You were asked a couple of questions about
5 Mr. Goode's ability to breathe. You're not a
6 doctor, are you?

7 A. No, sir.

8 Q. You don't know about lung capacity, do
9 you?

10 A. No, sir.

11 Q. You don't know about a person's ability to
12 continue screaming when their oxygen levels have
13 plummeted?

14 A. No, sir.

15 Q. You don't know about the possibly
16 manifestations of asphyxia in a person who's slowly
17 suffocating, do you?

18 A. No, sir.

19 Q. Are you aware that asphyxia can cause
20 hallucinations?

21 A. No, sir.

22 Q. Have you received any training that one of
23 the reasons a person might be erratic is that
24 they're suffering from a lack of oxygen?

25 A. No, sir.

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1 Q. Have you received any training about
2 causes, other than drugs, of someone acting erratic?

3 A. No, sir.

4 Q. You have received training -- you were
5 asked some questions about night shift and dealing
6 with erratic suspects. Have you received training
7 on dealing with erratic suspects?

8 A. No more than what you get at the academy.

9 Q. So you did receive some training at the
10 academy about how to handle someone who's acting
11 erratically?

12 A. Yes, sir.

13 Q. Were there any special instructions that
14 you were given for handling the night shift that
15 night?

16 A. No, sir.

17 Q. Nothing having to do with the concert,
18 things to look out for?

19 A. No, sir.

20 Q. You were asked a few questions, I believe
21 by Mr. Huskison, about the annual training that you
22 did. In any of that annual training, have you ever
23 been advised that hogtying a suspect can cause
24 problems?

25 A. No, sir.

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1 Q. In any of your annual training, have you
2 ever been advised about dangers of something called
3 positional asphyxia?

4 A. No, sir.

5 Q. In any of that training have you ever been
6 advised of any -- strike that.

7 You were asked a number of questions about
8 verbal commands and about the use of force in
9 relation to verbal commands. I want to talk to you
10 a little bit more that about.

11 Does disobeying a verbal command allow you
12 under Southaven policy to use deadly force?

13 A. No.

14 Q. Are you able to use deadly force on
15 someone who has committed a misdemeanor who is
16 attempting to flee?

17 A. No, sir.

18 Q. You understand that that's Southaven
19 policy, right?

20 A. Yes, sir.

21 Q. Once a person is under control, once you
22 have them in a state where they're not going to
23 cause any harm to themselves or others, are you able
24 to use deadly force on them?

25 A. No, sir.

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1 Q. If a person had used deadly force on a
2 suspect after they had been subdued, that would be
3 excessive, wouldn't it?

4 A. Yes, sir.

5 Q. Have you ever been advised by anyone, that
6 use of a hogtie restraint is deadly force if the
7 person remains face down?

8 A. No, sir.

9 Q. You've been never trained about that?

10 A. No, sir.

11 Q. Would it surprise you that the Mississippi
12 Law Enforcement Officers Training Academy trains
13 people that it is deadly force?

14 MR. HUSKISON: Object to the form; if you
15 know.

16 A. I wasn't trained that way.

17 BY MR. McCORMACK:

18 Q. Would that surprise you, based on the
19 training you received from Southaven?

20 A. I don't know.

21 Q. You don't know if it would surprise you
22 that you haven't been trained that someone can die
23 from a procedure that Southaven uses?

24 MR. HUSKISON: His answer is that he has
25 not been trained on that. I think that's his answer

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1 to the question.

2 BY MR. McCORMACK:

3 Q. My question is, would it surprise you?

4 MR. HUSKISON: Object to the form. I
5 don't see how it matters whether it would surprise
6 him or not.

7 A. No, sir.

8 BY MR. McCORMACK:

9 Q. Wouldn't surprise you?

10 A. No.

11 MR. MCCORMACK: All right. That's all
12 I've got. Anybody else?

13 VIDEOGRAPHER: This concludes the
14 videotaped deposition. The time is 12:08.

15 (THE DEPOSITION CONCLUDED AT 12:08 P.M.)
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C E R T I F I C A T E

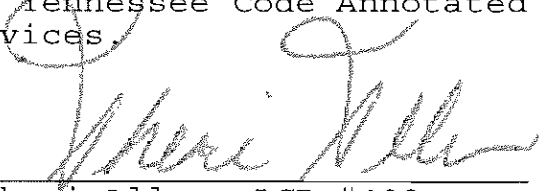
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